070 (8) 03/21/2016

BEVERIDGE & DIAMOND PC

Brian C. Levey
15 Walnut Street, Suite 400
Wellesley, MA 02481
Direct:(781) 416-5733
Fax:(781) 416-5799
blevey@bdlaw.com

March 2, 2016

BY HAND

Town of Acton
Board of Selectmen
c/o Katie Green, Chair
472 Main Street
Acton, Massachusetts 01720

Re: Acton Plaza Shopping Center, Massachusetts Avenue at Main Street:
Request for Minor Amendments to Restaurant Special Use Permit;
Request for Minor Amendment to Site Plan Special Permit #04/30/71-15;
Request to Admit Two Lots to the Middle Fort Pond Brook Sewer Betterment Area

Dear Board Members:

On behalf of E&A Northeast Limited Partnership ("Edens"), kindly allow this letter to serve as Edens' request that the Board of Selectmen ("Board"), acting in its capacity as special permit-granting authority, approve Minor Amendments to (1) a Restaurant Special Use Permit and (2) the Site Plan Special Permit for the Acton Plaza Shopping Center in order to allow the relocation of the Dunkin Donuts within Acton Plaza. Edens also requests that the Board, acting in its capacity as Sewer Commissioners, approve Edens' request to include Lots 81 and 89-1 of Assessor's Map F3 in the Middle Fort Pond Brook Sewer Betterment Area.[1]

A check payable to the Town of Acton in the amount of three hundred fifty dollars ($350.00) is enclosed for the Special Use Permit ($100.00) and Site Plan Special Permit ($250.00) minor amendment filing fees.

Background

Acton Plaza Shopping Center is located off Massachusetts Avenue and Main Street in Acton, Massachusetts (Map F3, Lots 81, 89, 89-1, 97, 97-1, 98 and 115) (the "Plaza" and the "Site"). The Site consists of approximately 13.1 acres and is located within the Kelley's Corner Business Zoning District and a Groundwater Protection District Zone 4. The Plaza includes an

[1] An original application was filed directly with the Town Clerk. Six (6) copies were provided to the Board.

assortment of retail and restaurant uses, amenities and a parking supply well in excess of zoning requirements.

The Plaza was originally developed by the prior owner in the 1970s pursuant to the Board's approval of Site Development Plan #4/30/71-15 for then-owner Acton Enterprises, Inc. ("AEI"). After the development of the Plaza under this initial permit, the Site was rezoned to Kelley's Corner Business District. Thereafter, Acton Plaza underwent the following changes germane to these applications:

- In 1994, the prior owner secured the Board's approval of minor modifications to the site plan without a public hearing.

- In 1998, Edens purchased Acton Plaza.

- In September, 2011, Edens purchased 315 Main Street (Map F3, Lot 81), a 16,648 square foot parcel of land with a 1925 square foot building and striped parking spaces in the northerly section of Acton Plaza. Prior to purchasing the property the building was occupied by Casa Stone. After the purchase the building was occupied by Village Cleaners, but it is now vacant. 315 Main is shown on the plan entitled, "Site Plan, Sheet 4" last revised February 4, 2016 (the "Site Plan") and attached at Tab 1.

- A second round of minor site plan changes were approved in 2013, after a public hearing,[2] allowing various maintenance and modernization enhancements.

- In 2014, the Board, after a public meeting, approved, among other things, an amendment to the site plan for a permanent parking easement for the benefit of an abutter as depicted on a plan entitled "Site Development Plans for Edens, Site Plan, Sheet 4" prepared by Bohler Engineering and dated 10/22/12 and last revised 5/28/13.

- In September, 2015, Edens purchased 313 Main Street (Map F3, Lot 89-1), a 22,433 square foot undeveloped parcel of land with striped parking spaces also in the northerly section of Acton Plaza. 313 Main is shown on Tab 1.

- Also, in September, 2015, the Board, after a public meeting, approved as a minor change the relocation of the abutter's parking easement as shown on the plan entitled "Relocated Parking Easement Area 7/29/15."

- In 2013, in preparation for the re-letting of 315 Main, and while completing the parking lot improvements associated with bullet point #4 above, Edens sought and received an

[2] Although no public hearing was required, Edens acquiesced to the Board's desire for a hearing since the work involved night-time paving and other construction work with potential adverse impacts on the neighborhood. There are no such impacts associated with the current application.

approval from the Director of Public Health, Doug Halley, to extend a sewer line from within Acton Plaza to an area adjacent to the southwest corner of the building at 315 Main for a future sewer connection which Edens now proposes. The location of the sewer extension is shown on the plan entitled "Sewer Connection Plan, Sheet 1" dated February 17, 2016 (the "Sewer Plan") and attached at Tab 2.

Criteria for Minor Amendments

Section 5.13 of the Board's Rules and Regulations for Special Permits (the "SP Rules"), provides as follows:

> A previously granted PERMIT may be amended by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for changes to the SPECIAL PERMIT constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing. The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Planning Department is recommended prior to the filing of any request to amend a PERMIT.

As this matter concerns a tenant relocation within Acton Plaza "not significant to the public interest and is consistent with the purpose and intent of the Zoning Bylaw."

Under Section 5.12 of the Board's Rules and Regulations for Site Plan Special Permits (the "SPSP Rules"), the Board "determine[s] whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new application requiring a public hearing." Further, "[t]he Board may amend a permit without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the [Zoning] Bylaw." Since this request concerns neither "initial development," "increas[ing]…net floor area," nor any "expan[sion] in ground area," no new Site Plan Special Permit is required. (See, Zoning Bylaw, § 10.4.1.2.)

Proposed Minor Amendments for Special Use Permit
and Site Plan Special Permit for Relocation of Dunkin Donuts

Edens proposes to relocate its tenant, Dunkin Donuts, within Acton Plaza. Specifically, Dunkin Donuts would move from 299 Main Street, part of Acton Plaza I, to 315 Main Street, a freestanding building. The changes are consistent with the purpose and intent of both the Acton Zoning Bylaw, § 1.2 and the Kelley's Corner Business District in § 5.6.1 of the Zoning Bylaw. This change should be considered a minor amendment to the existing Special Use Permit (attached at Tab 3) and the latest Amended Site Plan Special Permit (attached at Tab 4).

The relocation would result in the closure of a 1500 square foot Dunkin Donuts with 14 seats and 15 required parking spaces and the removal of an 8' X 14' walk-in cooler in the rear of

299 Main. In its place, a 1925 square foot Dunkin Donuts with 25 seats and 19 required parking spaces and an 8' X 14' walk-in cooler in the rear of 315 Main would occupy currently vacant space. Acton Plaza would still enjoy an abundant oversupply of parking under the Zoning Bylaw. (See, Tab 1.) Pursuant to Zoning Bylaw, §§ 10.3.5.1 - 10.3.5.5, the minor changes to this fast food restaurant use meet the criteria for a "use" special permit since the Dunkin Donuts relocated within Acton Plaza is "consistent with the Master Plan," "in harmony with the purpose and intent of th[e] Bylaw," "not detrimental or injurious to the neighborhood in which it is to take place," "appropriate for the site in question" and "compli[ant] with all applicable requirements of the Bylaw."

Inclusion in Betterment Area

Neither 313 nor 315 Main is part of the Middle Fort Pond Brook Sewer Betterment Area which exists adjacent to these properties. Having constructed the sewer extension at its own cost, Edens now seeks the Board's permission to connect to the Town sewer and to admit these lots to the Betterment Area. Edens understands that this admission, if granted, would bind it to applicable state statutes and local bylaws, rules and regulations including payment, to the extent applicable, of a Betterment Fee and Sewer Privilege Fee with respect to these lots.

Based on discussion with the Town Engineer, Edens understands and agrees to the following conditions on the admission of 313 and 315 Main Street to the Betterment Area:

1. Grease Trap. The Board of Health recommends and Edens agrees that a grease trap will be installed. See, attached Tab 2.

2. Sewer Fee – Applicable FAR. Given the pending zoning amendment which would reduce the FAR for Kelley's Corner from 0.40 to 0.20, the Town Engineer recommends and Edens agrees to use a FAR of 0.20 for the Betterment calculation.

3. Sewer Fee – Betterment Fee Calculation, SBUs and GPD at 0.20 FAR. Edens understands that the Betterment Fee is calculated as follows:

313 Main St = [22,433 SF x 0.20 FAR)]/4000 = 1.1216 SBU x $12,311.52 = $13, 808.60.
315 Main St = [16,648 SF x 0.20 FAR]/4000 = 0.8324 SBU x $12,311.52 = $10,248.11.

And, as a result, for 313 and 315 Main, the total SBUs are 1.954 and total GPD is 586.2. Further, Edens need not pay any Privilege Fee at this time since the required GPD for the proposed use is less than the permitted GPD.[3]

---

[3] Assuming an FAR of 0.20, the Betterment Fee calculation above yields a total of 1.95 SBUs. At 300 GPD per SBU, this totals 585 GPD. Under 310 CMR 15.203, the Donut Donuts is a Fast Food Restaurant requiring a design flow of 20 GPD/seat. Therefore, the total GPD required is 500. Since the design flow of 500 GPD is less than the 585 GPD to which Edens would be entitled upon payment of the Betterment Fee, there is no Privilege Fee at this time.

5. Sewer Fee – Payment. Edens proposes to pay the Betterment Fee (based on 0.20 FAR) prior to the issuance of a building permit for the Dunkin Donuts and, should the Town Meeting later not adopt the 0.20 FAR, Edens would pay the additional portion of the Betterment Fee based on a 0.40 FAR within ten (10) business days of that Town Meeting vote or risk the withholding of or loss of the Certificate of Occupancy for the Dunkin Donuts.

Conclusion

Edens respectfully requests that the Board take the following action at its public meeting:

- Approve Minor Amendments to the Special Use Permit (Tab 3) to allow the Dunkin Donuts' relocation within Acton Plaza in accordance with the attached Site Plan and Sewer Connection Plan subject to modifying Condition 12 to reflect the change in the number of seats by stating that, "The restaurant shall be limited to twenty-five (25) seats unless otherwise approved by the Board of Health and the Building Commissioner."

- Approve Minor Amendments to latest Amended Site Plan Special Permit (Tab 4) to allow the Dunkin Donuts' relocation within Acton Plaza in accordance with the attached Site Plan and Sewer Connection Plan; and

- Approve the request for admission of 313 and 315 Main Street to the Middle Fort Pond Brook Sewer Betterment Area subject to Conditions 1 through 5 set forth above.

We respectfully request that the Board of Selectmen place this matter on its consent agenda for its meeting on March 21, 2016.

Thank you for your attention to this matter.

Sincerely yours,

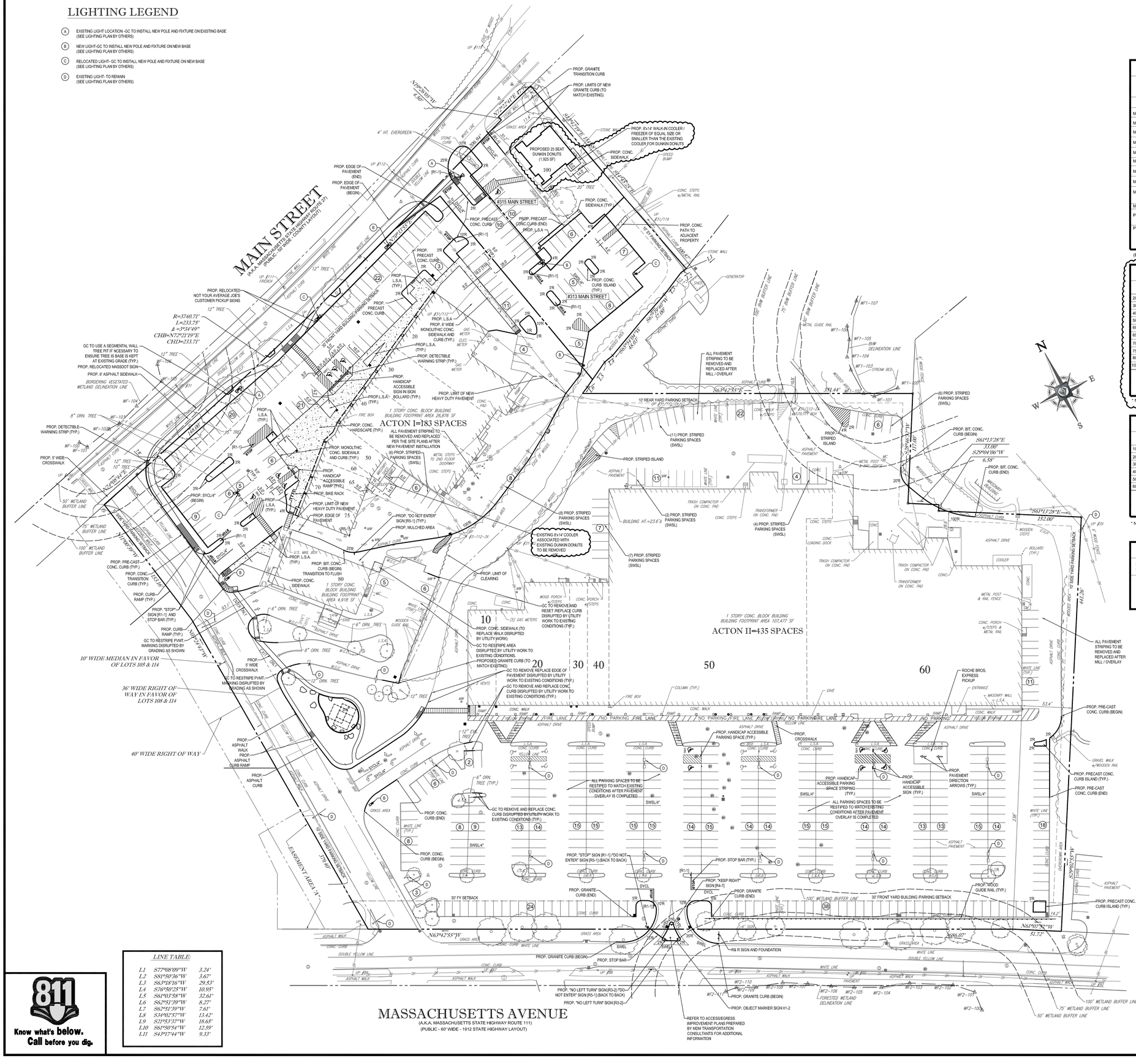
Brian C. Levey

cc: Eva Szkaradek, Town Clerk (w/enc.) (By Hand)
Roland Bartl, Planning Director (w/enc.) (Via Electronic Mail and Federal Express)
Paul Campbell, Town Engineer (w/enc.) (Via Electronic Mail and Federal Express)
Keith Hague, Senior Project Manager (w/enc.) (Via Electronic Mail and Federal Express)

TAB 1

LIGHTING LEGEND

- (A) EXISTING LIGHT LOCATION -GC TO INSTALL NEW POLE AND FIXTURE ON EXISTING BASE (SEE LIGHTING PLAN BY OTHERS)
- (B) NEW LIGHT-GC TO INSTALL NEW POLE AND FIXTURE ON NEW BASE (SEE LIGHTING PLAN BY OTHERS)
- (C) RELOCATED LIGHT- GC TO INSTALL NEW POLE AND FIXTURE ON NEW BASE (SEE LIGHTING PLAN BY OTHERS)
- (D) EXISTING LIGHT- TO REMAIN (SEE LIGHTING PLAN BY OTHERS)



LINE TABLE:

L1	S77°08'09"W	3.24'
L2	S81°50'36"W	3.67'
L3	S63°18'36"W	29.83'
L4	S76°50'25"W	10.95'
L5	S61°03'58"W	32.61'
L6	S62°51'39"W	8.27'
L7	S62°51'39"W	7.61'
L8	S34°02'57"W	13.42'
L9	S21°53'37"W	18.65'
L10	S61°50'54"W	12.59'
L11	S43°17'44"W	9.33'

811 Know what's below. Call before you dig.

ZONING ANALYSIS TABLE

ZONE: KELLEY'S CORNER DISTRICT
SERVICE USES ALLOWED BY RIGHT
SPECIAL PERMIT/ SITE PLAN REVIEW REQUIRED

ZONING CRITERIA	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	10,000 SF	571,883 SF	NO CHANGE
MIN. FRONT SETBACK	30 FT	30.2± FT	NO CHANGE
MIN. SIDE SETBACK	NONE	11.4± FT	NO CHANGE
MIN. REAR SETBACK	NONE	28.6± FT	NO CHANGE
MIN. FRONT PARKING SETBACK	30 FT	7.8± FT (ENC)	NO CHANGE
MIN. SIDE PARKING SETBACK	10 FT	14.2± FT	NO CHANGE
MIN. REAR PARKING SETBACK	10 FT	10.5± FT (ENC)	NO CHANGE
MAX. F.A.R.	0.4	0.24±	NO CHANGE
MIN. INTERNAL LANDSCAPING	10%	4% (E)	ACTON I -13.6% ACTON II-NO CHANGE OVERALL-7.8%
MAX. BUILDING HEIGHT	36'	23.6 FT	NO CHANGE
PARKING SPACES	ACTON I=145 ACTON II =311 TOTAL=456	ACTON I=180 ACTON II =419 TOTAL=599	ACTON I=183 ACTON II =435 TOTAL=618
PARKING	REQUIRED: RETAIL: 1 SPACE PER 300 SF NFA FAST FOOD: 1 SPACE PER 100 SF NFA RESTAURANT: 1 SPACE / 3 SEATS		

(E) EXISTING NON-CONFORMITY

ACTON PLAZA I PARKING CALCULATIONS

	TENANT	GROSS SF	ASSUMED NEW SF = (85%GSF) *	# SEATS	CLASSIFICATION	# SPACES REQUIRED
20	ACTON WINE AND SPIRITS	8,400	7,140	-	RETAIL - 1 / 300 NSF	24
30	NOT YOUR AVERAGE JOE'S	6,103	6,103	149	RESTAURANT 1 PARK / 3 SEATS	50
40	SLEEPY'S	5,208	4,427	-	FURNITURE - 1 / 600 NSF	7
50	VACANT	1,500	1,500	14	FAST FOOD REST. 1 PARK / 100 NSF	15
60	TC LANDOS	748	748	5	FAST FOOD REST. 1 PARK / 100 NSF	7
65	VERIZON	1,330	1,131	-	RETAIL - 1 / 300 NSF	4
70	YEH YOGURT	1,053	1,053	6	RESTAURANT 1 PARK / 3 SEATS	2
75	SUPER CUTS	1,329	1,130	-	RETAIL - 1 / 300 NSF	4
80	MIDDLESEX SAVINGS	5,000	4,250	-	BANK - 3 SPACES / 1000 NSF	13
100	DUNKIN DONUTS	1,925	1,925	25	FAST FOOD REST. 1 PARK / 100 NSF	19
	TOTAL	32,596	29,407		PARKING REQUIRED =	145
					PARKING PROVIDED =	183
					PARKING SURPLUS =	38

* NET FLOOR AREA IS ASSUMED TO BE 85% OF GROSS FLOOR AREA

ACTON PLAZA II PARKING CALCULATIONS

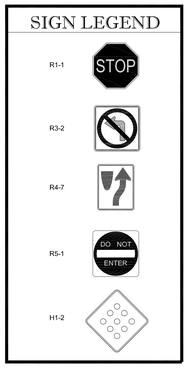
	TENANT	GROSS SF	ASSUMED NEW SF = (85%GSF)*	# SEATS	CLASSIFICATION	# SPACES REQUIRED
10	UNLEASHED	3,000	2,550	-	RETAIL - 1 / 300 NSF	10
20	CVS	9,350	7,948	-	RETAIL - 1 / 300 NSF	26
30	RADIOSHACK	2,210	1,879	-	RETAIL - 1 / 300 NSF	6
40	JOHNNY ROCKETS	2,990	2,990	62	RESTAURANT 1 PARK / 3 SEATS	21
50	TJ MAXX / HOMEGOODS	50,000	42,500	-	RETAIL - 1 / 300 NSF	142
60	ROCHE BROS.	37,370	31,765	-	RETAIL - 1 / 300 NSF	106
	TOTAL	104,920	89,632		PARKING REQUIRED =	311
					PARKING PROVIDED =	435
					PARKING SURPLUS =	124

* NET FLOOR AREA IS ASSUMED TO BE 85% OF GROSS FLOOR AREA

HANDICAP PARKING ANALYSIS TABLE

FOR PARKING LOTS WITH > 500 PARKING SPACES , 2% of PARKING SPACES ARE TO BE HANDICAP ACCESSIBLE	618 x 2% =13 HANDICAP ACCESSIBLE SPACES REQ'D 21 PROVIDED
1 IN EVERY SIX ACCESSIBLE PARKING SPACES MUST BE A VAN ACCESSIBLE.	ACTON I: 7 HANDICAP SPACES = 2 VAN SPACES REQ'D 3 VAN SPACES PROVIDED ACTON II: 14 HANDICAP SPACES = 3 VAN SPACES REQ'D 3 VAN SPACES PROVIDED

SIGN LEGEND



PAINT STRIPING LEGEND

SWSL - SINGLE WHITE SOLID LINE / 4" WIDE
SYSL - SINGLE YELLOW SOLID LINE / 4" WIDE EACH
DYSL - DOUBLE YELLOW SOLID LINE / 4" WIDE EACH
SWDL - SINGLE WHITE DASHED LINE / 4" WIDE
SYCL - SINGLE YELLOW CENTER LINE / 4" WIDE
DYCL - DOUBLE YELLOW CENTER LINE / 4" WIDE
SWEL - SINGLE WHITE EDGE LINE / 4" WIDE
SYEL - SINGLE YELLOW EDGE LINE / 4" WIDE

REFER TO GENERAL NOTES SHEET FOR SITE NOTES

THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

BOHLER ENGINEERING

CORPORATE OFFICE
352 TURNPIKE ROAD, SUITE 210
SOUTHBOROUGH, MA 01772
(508) 480-9900
www.BohlerEngineering.com

OFFICES:
SOUTHBOROUGH, MA • CHALFONT, PA • TOWSON, MD • STERLING, VA • PITTSBURGH, PA • FORT LAUDERDALE, FL • ROANOKE, VA • FORT MILL, SC • CHARLOTTE, NC • ROCKY HILL, CT

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

THE INFORMATION, DESIGNS AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE EXCEPT THAT WHICH AUTHORIZED IN WRITING BY BOHLER ENGINEERING. THIS PLAN IS COPYRIGHTED. ©2013 BOHLER ENGINEERING

REVISIONS

REV	DATE	COMMENT	BY
1	1/16/13	REVISED PARKING LAYOUT PER CLIENT	KBS
2	2/25/13	REVISED PER CLIENT MEETING	KBS
3	3/20/13	REVISED PER CLIENT COMMENTS AND ARCH.	KBS
4	4/30/13	REVISED PER CLIENT COMMENTS	KBS
5	5/20/13	REVISED PER TOWN / CLIENT COMMENTS	KBS
6	5/28/13	REVISED PER BOS SUBMITTAL	CFD
7	6/28/13	REVISED PER CLIENT COMMENTS	CFD
8	7/30/13	REVISED PER CLIENT COMMENTS	CFD
9	9/24/13	REVISED PER LIGHTING	KBS
10	2/04/16	REVISED PER DUNKIN DONUTS RELOCATION	CFD

PRELIMINARY

PROJECT No.:	W111028
DRAWN BY:	KBS
CHECKED BY:	JGS
DATE:	10/22/2012
SCALE:	AS NOTED
CAD I.D.:	W111028SS10

PROJECT: SITE DEVELOPMENT PLANS FOR EDENS

LOCATION OF SITE
LOTS 81, 89, 89-1, 97, 97-1, 98 & 115, MAP F3
MASSACHUSETTS AVENUE & MAIN STREET
TOWN OF ACTON
MIDDLESEX COUNTY, MA

BOHLER ENGINEERING
352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
Phone: (508) 480-9900
Fax: (508) 480-9080
www.BohlerEngineering.com

J.G. SWERLING
PROFESSIONAL ENGINEER
MASSACHUSETTS LICENSE No. 41697
NEW HAMPSHIRE LICENSE No. 14695
MAINE LICENSE No. 13816
CONNECTICUT LICENSE No. 30785
RHODE ISLAND LICENSE No. 11425

SHEET TITLE: SITE PLAN

SHEET NUMBER: 4 OF 12

REV 10 - 02/04/2016

TAB 2

GENERAL SITE PLAN NOTES

1. THIS PLAN REFERENCES A SURVEY BY:
   CONTROL POINT ASSOCIATES, INC.
   35 TECHNOLOGY DRIVE
   WARREN, NEW JERSEY 07059
2. SPECIFIC RESOURCES, TECHNICAL REPORTS, DESIGN DOCUMENTS, ET. AL RELATED TO THIS PROJECT INCLUDE (BUT MAY NOT BE LIMITED TO) THE FOLLOWING:
   SURVEY: "RECORD PLAN" PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED 2/11/14, SCALED 1"=40'.
   CONTRACTOR IS RESPONSIBLE FOR OBTAINING THESE DOCUMENTS AND FAMILIARIZING HIMSELF WITH SAME FOR APPLICATION BOTH PRIOR TO AND DURING CONSTRUCTION.
3. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE REFERENCED SURVEYOR'S BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO GROUNDBREAK.
4. APPLICANT:
   EDENS
   C/O BOHLER ENGINEERING
   352 TURNPIKE ROAD
   SOUTHBORO, MA 01772
5. PARCEL DATA: LOT IS SHOWN AS MAP #F3 FROM TOWN OF ACTON ASSESSORS MAP.
6. ALL AREAS DISTURBED BY THE CONTRACTOR SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT NO ADDITIONAL COST TO THE OWNER.
7. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS BY ALL OF THE PERMITTING AUTHORITIES.
8. THE OWNER/CONTRACTOR SHALL BE FAMILIAR WITH AND RESPONSIBLE FOR ANY/ALL CERTIFICATIONS, INSPECTIONS, ETC. REQUIRED BY ALL GOVERNING JURISDICTIONAL AGENCIES DURING AND AFTER CONSTRUCTION FOR SIGN-OFF AND CERTIFICATE OF OCCUPANCY ISSUANCE, INCLUDING BUT NOT LIMITED TO PROCUREMENT OF SERVICES, SCHEDULING OF FIELD OBSERVATIONS AND COORDINATION WITH REPRESENTATIVES OF THE APPROPRIATE PARTIES.
9. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.
10. COORDINATION WITH A GEOTECHNICAL ENGINEER IS REQUIRED FOR THE CONSTRUCTION OF STRUCTURAL FILL AREAS, DEVELOPMENT OF PAVED PARKING AND LOADING SUB-BASE AND PAVEMENT, SLOPES IN EXCESS OF 3:1 AND ANY POTENTIAL GROUND WATER ISSUES ASSOCIATED WITH THE PROPOSED CONSTRUCTION.
11. THE PROPERTY SURVEY SHALL BE CONSIDERED A PART OF THESE PLANS.
12. THESE PLANS ARE BASED ON INFORMATION PROVIDED TO BOHLER ENGINEERING AT THE TIME OF PLAN PREPARATION. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS AND NOTIFY BOHLER ENGINEERING IF ACTUAL SITE CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLAN, OR IF THE PROPOSED WORK WOULD BE INHIBITED BY ANY OTHER SITE FEATURES.
13. ALL DIMENSIONS SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
14. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL/BUILDING PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF ENTRY/EXIT POINTS, ELEVATIONS, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
15. DEBRIS SHALL NOT BE BURIED ON THE SUBJECT SITE AND ALL UNSUITABLE EXCAVATED MATERIAL AND DEBRIS (SOLID WASTE) SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL TOWN, COUNTY, STATE, AND FEDERAL LAWS AND APPLICABLE CODES.
16. CONTRACTOR IS RESPONSIBLE FOR ALL SHORING REQUIRED DURING EXCAVATION (TO BE PERFORMED IN ACCORDANCE WITH CURRENT OSHA STANDARDS) AND ANY ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES, AS FIELD CONDITIONS DICTATE.
17. CONTRACTOR IS TO EXERCISE EXTREME CARE WHEN PERFORMING ANY WORK ACTIVITIES ADJACENT TO PAVEMENT, STRUCTURES, ETC. TO REMAIN. CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING THE APPROPRIATE MEASURES AS NECESSARY TO ENSURE THE STRUCTURAL STABILITY OF SIDEWALKS AND PAVEMENT TO REMAIN, AND TO PROVIDE A SAFE WORK AREA.
18. CONTRACTOR IS RESPONSIBLE FOR REPAIRING THE DAMAGE DONE TO ANY EXISTING ITEM DURING CONSTRUCTION SUCH AS BUT NOT LIMITED TO DRAINAGE, UTILITIES, PAVEMENT, STRIPING, CURB, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND REPLACE ALL SIGNAL INTERCONNECT CABLE, CONDUITS, AND ANY UNDERGROUND ACCESSORY EQUIPMENT DAMAGED DURING CONSTRUCTION. REPAIR SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS. CONTRACTOR IS RESPONSIBLE TO DOCUMENT ALL EXISTING DAMAGE AND NOTIFY CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION START.
19. ALL CONCRETE SHALL HAVE THE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS AS INDICATED IN SPECIFICATIONS UNLESS OTHERWISE NOTED ON THE PLANS, DETAILS AND/OR GEOTECHNICAL REPORT.
20. ENGINEER IS NOT RESPONSIBLE FOR CONSTRUCTION METHODS/MEANS FOR COMPLETION OF THE WORK DEPICTED ON THESE PLANS NOR ANY CONFLICTS/SCOPE REVISIONS WHICH RESULT FROM SAME. CONTRACTOR IS RESPONSIBLE FOR DETERMINING METHODS/MEANS FOR COMPLETION OF THE WORK PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND NOTIFICATION OF OWNER AND ENGINEER OF RECORD WHEN A CONFLICT IS IDENTIFIED.
21. ENGINEER OF RECORD IS NOT RESPONSIBLE FOR JOB SITE SAFETY NOR HAS HE BEEN RETAINED FOR SUCH PURPOSES.
22. ALL CONTRACTORS MUST CARRY STATUTORY WORKER'S COMPENSATION INSURANCE, EMPLOYER'S LIABILITY INSURANCE AND APPROPRIATE LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE (CGL). ALL CONTRACTORS MUST HAVE THEIR CGL POLICIES ENDORSED TO NAME BOHLER ENGINEERING AND ITS SUBCONSULTANTS AS ADDITIONAL INSURED AND TO PROVIDE CONTRACTUAL LIABILITY COVERAGE SUFFICIENT TO INSURE THE HOLD HARMLESS AND INDEMNITY OBLIGATIONS ASSUMED BY THE CONTRACTORS. ALL CONTRACTORS MUST FURNISH BOHLER ENGINEERING WITH CERTIFICATIONS OF INSURANCE AS EVIDENCE OF THE REQUIRED INSURANCE PRIOR TO COMMENCING WORK AND UPON RENEWAL OF EACH POLICY DURING THE ENTIRE PERIOD OF CONSTRUCTION. IN ADDITION, ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS BOHLER ENGINEERING, AND ITS SUBCONSULTANTS FROM AND AGAINST ANY DAMAGES, LIABILITIES OR COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND DEFENSE COSTS, ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE PROJECT, INCLUDING ALL CLAIMS BY EMPLOYEES OF THE CONTRACTORS.
23. NEITHER THE PROFESSIONAL ACTIVITIES OF BOHLER ENGINEERING, NOR THE PRESENCE OF BOHLER ENGINEERING OR ITS EMPLOYEES AND SUBCONSULTANTS AT A CONSTRUCTION/PROJECT SITE, SHALL RELIEVE THE GENERAL CONTRACTOR OF ITS OBLIGATIONS, DUTIES AND RESPONSIBILITIES INCLUDING BUT NOT LIMITED TO, CONSTRUCTION MEANS, METHODS, SEQUENCE, TECHNIQUES OR PROCEDURES NECESSARY FOR PERFORMING, SUPERINTENDING AND COORDINATING THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND ANY HEALTH OR SAFETY PRECAUTIONS REQUIRED BY ANY REGULATORY AGENCIES. BOHLER ENGINEERING AND ITS PERSONNEL HAVE NO AUTHORITY TO EXERCISE ANY CONTROL OVER ANY CONSTRUCTION CONTRACTOR OR ITS EMPLOYEES IN CONNECTION WITH THEIR WORK OR ANY HEALTH OR SAFETY PROGRAMS OR PROCEDURES. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOBSITE SAFETY. BOHLER ENGINEERING SHALL BE INDEMNIFIED BY THE GENERAL CONTRACTOR AND SHALL BE NAMED AS AN ADDITIONALLY INSURED UNDER THE GENERAL CONTRACTOR'S POLICIES OF GENERAL LIABILITY INSURANCE.
24. BOHLER ENGINEERING SHALL REVIEW AND APPROVE OR TAKE OTHER APPROPRIATE ACTION ON THE CONTRACTORS SUBMITTALS, SUCH AS SHOP DRAWINGS, PRODUCT DATA, SAMPLES, AND OTHER DATA, WHICH THE CONTRACTOR IS REQUIRED TO SUBMIT, BUT ONLY FOR THE LIMITED PURPOSE OF CHECKING FOR CONFORMANCE WITH THE DESIGN CONCEPT AND THE INFORMATION SHOWN IN THE CONSTRUCTION MEANS OR METHODS, COORDINATION OF THE WORK WITH OTHER TRADES, OR CONSTRUCTION SAFETY PRECAUTIONS, ALL OF WHICH ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. BOHLER ENGINEERING, S REVIEW SHALL BE CONDUCTED WITH REASONABLE PROMPTNESS WHILE ALLOWING SUFFICIENT TIME TO PERMIT ADEQUATE REVIEW. REVIEW OF A SPECIFIC ITEM SHALL NOT INDICATE THAT BOHLER ENGINEERING HAS REVIEWED THE ENTIRE ASSEMBLY OF WHICH THE ITEM IS A COMPONENT. BOHLER ENGINEERING SHALL NOT BE RESPONSIBLE FOR ANY DEVIATIONS FROM THE CONSTRUCTION DOCUMENTS NOT BROUGHT TO THE ATTENTION OF BOHLER ENGINEERING IN WRITING BY THE CONTRACTOR. BOHLER ENGINEERING SHALL NOT BE REQUIRED TO REVIEW PARTIAL SUBMISSIONS OR THOSE FOR WHICH SUBMISSIONS OF CORRELATED ITEMS HAVE NOT BEEN RECEIVED.
25. IN AN EFFORT TO RESOLVE ANY CONFLICTS THAT ARISE DURING THE DESIGN AND CONSTRUCTION OF THE PROJECT OR FOLLOWING THE COMPLETION OF THE PROJECT, BOHLER ENGINEERING AND THE CONTRACTOR MUST AGREE THAT ALL DISPUTES BETWEEN THEM ARISING OUT OF OR RELATING TO THIS AGREEMENT OR THE PROJECT SHALL BE SUBMITTED TO NONBINDING MEDIATION UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE.
26. THE CONTRACTOR MUST INCLUDE A MEDIATION PROVISION IN ALL AGREEMENTS WITH INDEPENDENT SUBCONTRACTORS AND CONSULTANTS RETAINED FOR THE PROJECT AND TO REQUIRE ALL INDEPENDENT CONTRACTORS AND CONSULTANTS ALSO TO INCLUDE A SIMILAR MEDIATION PROVISION IN ALL AGREEMENTS WITH THEIR SUBCONTRACTORS, SUBCONSULTANTS, SUPPLIERS AND FABRICATORS, THEREBY PROVIDING FOR MEDIATION AS THE PRIMARY METHOD FOR DISPUTE RESOLUTION BETWEEN THE PARTIES TO ALL THOSE AGREEMENTS.
27. IF THE CONTRACTOR DEVIATES FROM THE PLANS AND SPECIFICATIONS, INCLUDING THE NOTES CONTAINED THEREON, WITHOUT FIRST OBTAINING PRIOR WRITTEN AUTHORIZATION FOR SUCH DEVIATIONS FROM THE OWNER AND ENGINEER, IT SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS TO CORRECT ANY WORK DONE, ALL FINES OR PENALTIES ASSESSED WITH RESPECT THERETO AND ALL COMPENSATORY OR PUNITIVE DAMAGES RESULTING THEREFROM. THE CONTRACTOR SHALL INDEMNIFY AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ALL SUCH COSTS TO CORRECT ANY SUCH WORK AND FROM ALL SUCH FINES AND PENALTIES, COMPENSATION AND PUNITIVE DAMAGES AND COSTS OF ANY NATURE RESULTING THEREFROM.
28. LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. SANITARY SEWER AND ALL OTHER UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. ALL DISCREPANCIES SHALL BE REPORTED IMMEDIATELY IN WRITING TO THE OWNER'S CONSTRUCTION MANAGER. INTERFACE POINTS (CROSSINGS) WITH EXISTING UNDERGROUND INSTALLATIONS SHALL BE FIELD VERIFIED BY TEST PIT PRIOR TO COMMENCEMENT OF CONSTRUCTION. A MINIMUM OF 15' VERTICAL CLEARANCE SHALL BE MAINTAINED BETWEEN ALL UTILITY CROSSINGS. ANY POTENTIAL CROSSINGS LESS THAN THE MINIMUM REQUIRED SHALL BE REPORTED TO THE OWNER'S CONSTRUCTION MANAGER IMMEDIATELY.

EROSION AND SEDIMENT CONTROL NOTE

CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING, MAINTAINING AND REMOVING ANY AND ALL EROSION CONTROL MEASURES AND SEDIMENT CONTROL DEVICES NECESSARY TO PREVENT SOIL EROSION AND/OR SEDIMENT FROM BEING TRANSPORTED OFF-SITE, INTO ANY DRAINAGE SYSTEMS, VEGETATED OR WETLAND/RESOURCE AREAS, AND/OR ROADWAYS. DEVICES MAY INCLUDE, BUT ARE NOT LIMITED TO, STRAW BALE AND/OR SILT FENCE SILTATION BARRIERS, SILT-SACKS (WITHIN CATCH BASINS), DIVERSION DIKES, STABILIZED CONSTRUCTION ENTRANCES, AND ANY TEMPORARY SEEDING, MULCH, & SLOPE STABILIZATION METHODS AS NEEDED.

DEMOLITION NOTES

1. BREAK UP CONCRETE SLABS-ON-GRADE, UNLESS OTHERWISE DIRECTED BY THE OWNER. CONDUCT ALL DEMOLITION OPERATIONS IN A MANNER THAT WILL PREVENT PERSONAL INJURY, DAMAGE TO STRUCTURES, ADJACENT BUILDINGS AND ALL PERSONS.
2. CONDUCT DEMOLITION SERVICES IN SUCH A MANNER TO INSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS AND OTHER ADJACENT FACILITIES. DO NOT CLOSE OR OBSTRUCT STREETS, WALKS, OR OTHER OCCUPIED FACILITIES WITHOUT PRIOR WRITTEN PERMISSION OF THE OWNER AND APPLICABLE GOVERNMENTAL AUTHORITIES. PROVIDE ALTERNATIVE ROUTES AROUND CLOSED OR OBSTRUCTED TRAFFIC WAYS IF REQUIRED BY APPLICABLE GOVERNMENTAL REGULATIONS TO ACCOMPLISH AND PERFORM THE DEMOLITION IN SUCH A MANNER AS TO PREVENT THE UNAUTHORIZED ENTRY OF PERSONS AT ANY TIME.
3. USE WATERING, TEMPORARY ENCLOSURES AND OTHER SUITABLE METHODS, AS NECESSARY TO LIMIT THE AMOUNT OF DUST AND DIRT RISING AND SCATTERING IN THE AIR, CLEAN ADJACENT STRUCTURE AND IMPROVEMENTS OF ALL DUST AND DEBRIS CAUSED BY THE DEMOLITION OPERATIONS. RETURN ALL ADJACENT AREAS TO THE CONDITIONS EXISTING PRIOR TO THE START OF WORK.
4. COMPLETELY FILL BELOW GRADE AREAS AND VOIDS RESULTING FROM THE DEMOLITION OF STRUCTURES AND FOUNDATIONS WITH SOIL MATERIALS CONSISTING OF STONE, GRAVEL AND SAND, FREE FROM DEBRIS, TRASH, FROZEN MATERIALS, ROOTS AND OTHER ORGANIC MATTER. STONES USED WILL NOT BE LARGER THAN 8 INCHES IN DIMENSION. MATERIAL FROM DEMOLITION MAY NOT BE USED AS FILL. PRIOR TO PLACEMENT OF FILL MATERIALS, UNDERTAKE ALL NECESSARY ACTION IN ORDER TO INSURE THAT AREAS TO BE FILLED ARE FREE OF STANDING WATER, FROZEN MATERIAL, TRASH, DEBRIS. PLACE FILL MATERIALS IN HORIZONTAL LAYERS NOT EXCEEDING 6 INCHES IN LOOSE DEPTH AND COMPACT EACH LAYER AT PLACEMENT TO 95 % OPTIMUM DENSITY, GRADE SURFACE TO MEET ADJACENT CONTOURS AND TO PROVIDE SURFACE DRAINAGE.
5. REMOVE FROM THE DESIGNATED SITE, AT THE EARLIEST POSSIBLE TIME, ALL DEBRIS, RUBBISH, SALVAGEABLE ITEMS, HAZARDOUS AND COMBUSTIBLE SERVICES. REMOVED MATERIALS MAY NOT BE STORED, SOLD OR BURNED ON THE SITE. REMOVAL OF HAZAROUS AND COMBUSTIBLE MATERIALS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE PROCEDURES AS AUTHORIZED BY THE FIRE DEPARTMENT OR OTHER APPROPRIATE REGULATORY AGENCIES AND DEPARTMENTS.
6. ALL EXISTING SEPTIC SYSTEM COMPONENTS SHALL BE EITHER ABANDONED IN PLACE OR REMOVED AND DISPOSED OF AS REQUIRED. EXISTING TANKS AND STRUCTURES ASSOCIATED WITH THE EXISTING SEPTIC SYSTEM SHALL BE PUMPED DRY AND THE BOTTOM DRILLED. TANKS SHALL EITHER BE REMOVED AND DISPOSED OF OR FILLED WITH CONTROLLED DENSITY FILL OR APPROVED SUBGRADE MATERIAL. ANY EXISTING SEPTIC TANKS, CESSPOOLS, LEACHING PITS OR DISTRIBUTION BOXES IMPACTED BY CONSTRUCTION SHALL BE REMOVED AND DISPOSED OF IN A LEGAL OFF SITE FACILITY.
7. IF EXISTING SEPTIC SYSTEM COMPONENTS ARE REQUIRED TO BE REMOVED, CONTRACTOR SHALL REMOVE UNSUITABLE MATERIAL (TOP & SUB SOIL) 5' BEYOND LIMITS OF THE EXISTING SEPTIC SYSTEM AND BACKFILLED WITH SUITABLE MATERIAL.
8. INVERTS FOR THE EXISTING SEPTIC SYSTEM ARE APPROXIMATE. CONTRACTOR TO VERIFY IN THE FIELD. PROPOSED INVERTS MAY NEED ADJUSTMENT BASED ON THIS VERIFICATION. CONTRACTOR SHALL NOTIFY THE ENGINEER IF ADJUSTMENTS ARE REQUIRED.
9. ANY EXISTING UTILITIES DISTURBED DURING CONSTRUCTION SHALL BE REPLACED AND/OR RELOCATED IN KIND AND/OR IN COMPLIANCE WITH STATE AND LOCAL REQUIREMENTS. RELOCATION AND REPLACEMENT SHALL BE IN CONFORMANCE WITH ANY AND ALL SATE AND LOCAL REGULATIONS. UTILITY AS-BUILT PLANS SHALL BE PROVIDED BY THE CONTRACTOR.
10. LOCATION AND DEPTH OF UNDERGROUND UTILITIES IS APPROXIMATE ONLY AND IS NOT WARRANTED TO BE CORRECT. UNDERGROUND UTILITIES ARE SHOWN BASED ON RECORD DATA PROVIDED BY THE OPERATING AUTHORITIES. ADDITIONAL UTILITIES MAY EXIST WHICH ARE NOT INDICATED ON THESE PLANS. ALL EXISTING UTILITIES SHALL BE VERIFIED FOR SERVICE, SIZE, INVERT ELEVATION, LOCATIONS ETC. PRIOR TO NEW CONNECTIONS TO OR RELOCATION OF SAME. NOTIFY THIS FIRM IN WRITING OF ANY AND ALL DISCREPANCIES PRIOR TO COMMENCING ANY WORK. NAMES AND CONTACTS FOR UTILITY OPERATING AUTHORITIES ARE AVAILABLE ON REQUEST.
11. ALL DEMOLITION ACTIVITIES ARE TO BE PERFORMED IN STRICT ADHERENCE TO ALL FEDERAL, STATE AND LOCAL REGULATIONS.
12. PROCEED WITH DEMOLITION IN A SYSTEMATIC MANNER, FROM THE TOP OF THE STRUCTURE(S) TO THE GROUND.
13. PROVIDE INTERIOR AND EXTERIOR SHORING, BRACING AND SUPPORTS TO PREVENT MOVEMENT, SETTLEMENT OR COLLAPSE OF STRUCTURES TO BE DEMOLISHED (AND ADJACENT FACILITIES, IF APPLICABLE).
14. DEMOLISH AND REMOVE ALL EXISTING SEPTIC COMPONENTS SHOWN ON THE PLAN AS "TO BE REMOVED". ALL OTHER SEPTIC COMPONENTS SHOWN ON THE PLAN AS "TO BE ABANDONED", SHALL BE DEMOLISHED TO A DEPTH OF NOT LESS THAN ONE FOOT BELOW PROPOSED PAVEMENT GRADE. DEMOLITION SHALL INCLUDE REMOVAL OF TOP STRUCTURAL SLAB. SEAL ALL OPEN UTILITY LINES WITH CONCRETE AND FILL IN ABANDONED STRUCTURES IN ACCORDANCE WITH THE DEMOLITION NOTES.
15. ERECT AND MAINTAIN COVERED PASSAGEWAYS IN ORDER TO PROVIDE SAFE PASSAGE FOR PERSONS AROUND THE AREA OF DEMOLITION. CONDUCT ALL DEMOLITION OPERATIONS IN A MANNER THAT WILL PREVENT DAMAGE AND PERSONNEL INJURY TO STRUCTURES, ADJACENT BUILDINGS AND ALL PERSONS.
16. ACCOMPLISH AND PERFORM THE DEMOLITION IN SUCH A MANNER AS TO PREVENT THE UNAUTHORIZED ENTRY OF PERSONS AT ANY TIME.
17. DISCONNECT, SHUT OFF AND SEAL IN CONCRETE UTILITIES SERVING THE STRUCTURE(S) TO BE DEMOLISHED BEFORE THE COMMENCEMENT OF THE DESIGNATED DEMOLITION. MARK FOR POSITION ALL UTILITY DRAINAGE AND SANITARY LINES AND PROTECT ALL ACTIVE LINES. CLEARLY IDENTIFY BEFORE THE COMMENCEMENT OF DEMOLITION SERVICES THE REQUIRED INTERRUPTION OF ACTIVE SYSTEMS THAT MAY AFFECT OTHER PARTIES, AND NOTIFY ALL APPLICABLE UTILITY COMPANIES TO INSURE THE CONTINUATION OF SERVICE.
18. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "DIG SAFE" (1-888-344-7233) 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER DEPARTMENT TO MARK OUT THEIR UTILITIES.

CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL APPLY FOR AND PAY ALL FEES FOR PERMITTING AND INSPECTIONS REQUIRED TO CONSTRUCT THIS PROJECT.
2. PRIOR TO RECEIVING AUTHORIZATION TO CONSTRUCT, ALL MATERIALS SHALL MEET THE STANDARDS AND RECEIVE THE WRITTEN APPROVAL, BASED ON MANUFACTURERS DRAWINGS AND OTHER DATA, OF THE SEWER AUTHORITY OR ITS REPRESENTATIVE.
3. INSTALLATION OF THE SEWERAGE FACILITIES SHALL BE IN ACCORDANCE WITH THE TOWN'S STANDARD SPECIFICATIONS AND DETAILS FOR THE INSTALLATION OF SEWERS AND APPURTENANCES BY PRIVATE DEVELOPERS.

GENERAL GRADING NOTES

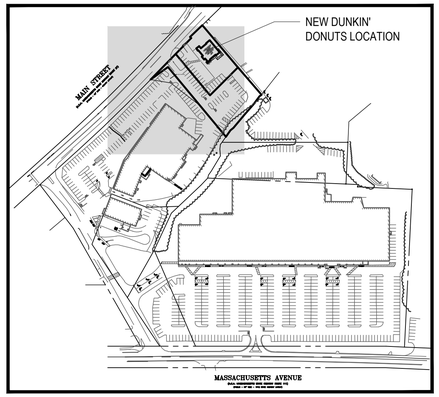
1. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF EXISTING TOPOGRAPHIC INFORMATION AND UTILITY INVERT ELEVATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR TO ENSURE 1.0 % MIN. SLOPE AGAINST ALL ISLANDS GUTTERS, CURBS AND ON ALL CONCRETE SURFACES, AND 1-1/2 % MIN. ON ASPHALT, TO PREVENT PONDING. ANY DISCREPANCIES THAT MAY EFFECT THE PUBLIC SAFETY OR JOB COST, MUST BE IDENTIFIED TO THE ENGINEER IN WRITING IMMEDIATELY. PROCEEDING WITH CONSTRUCTION AFTER DESIGN DISCREPANCIES HAVE BEEN FOUND IS DONE SO AT THE CONTRACTOR'S OWN RISK.
2. PROPOSED TOP OF CURB ELEVATIONS ARE GENERALLY 6" ABOVE EXISTING LOCAL ASPHALT GRADE. FIELD ADJUST TO CREATE A MIN OF 1% GUTTER GRADE ALONG CURB FACE. ENGINEER TO APPROVE FINAL CURBING CUT SHEETS PRIOR TO INSTALLATION.
3. ITEMS NOTE LABELED "PROPOSED" ARE SHOWN AS EXISTING FEATURES TO REMAIN.

TRAFFIC CONTROL NOTES

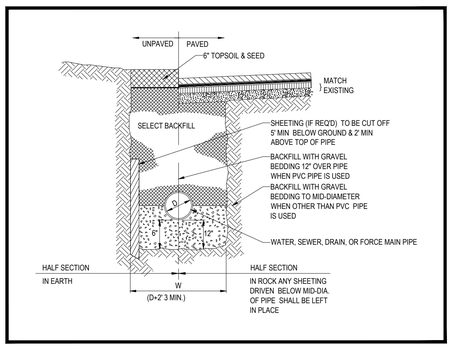
CONTRACTOR TO IMPLEMENT THE NECESSARY TRAFFIC CONTROL DEVICES, PROCEDURES, PERSONNEL AND/OR PLAN NEEDED TO SAFELY PERFORM THE WORKSCOPE SHOWN.

DAILY SEWAGE FLOW CALCULATIONS

PROPOSED DUNKIN DONUTS FACILITY:
FAST FOOD RESTAURANT = 20GPD PER SEAT
25 x 20 GPD = 500 GPD



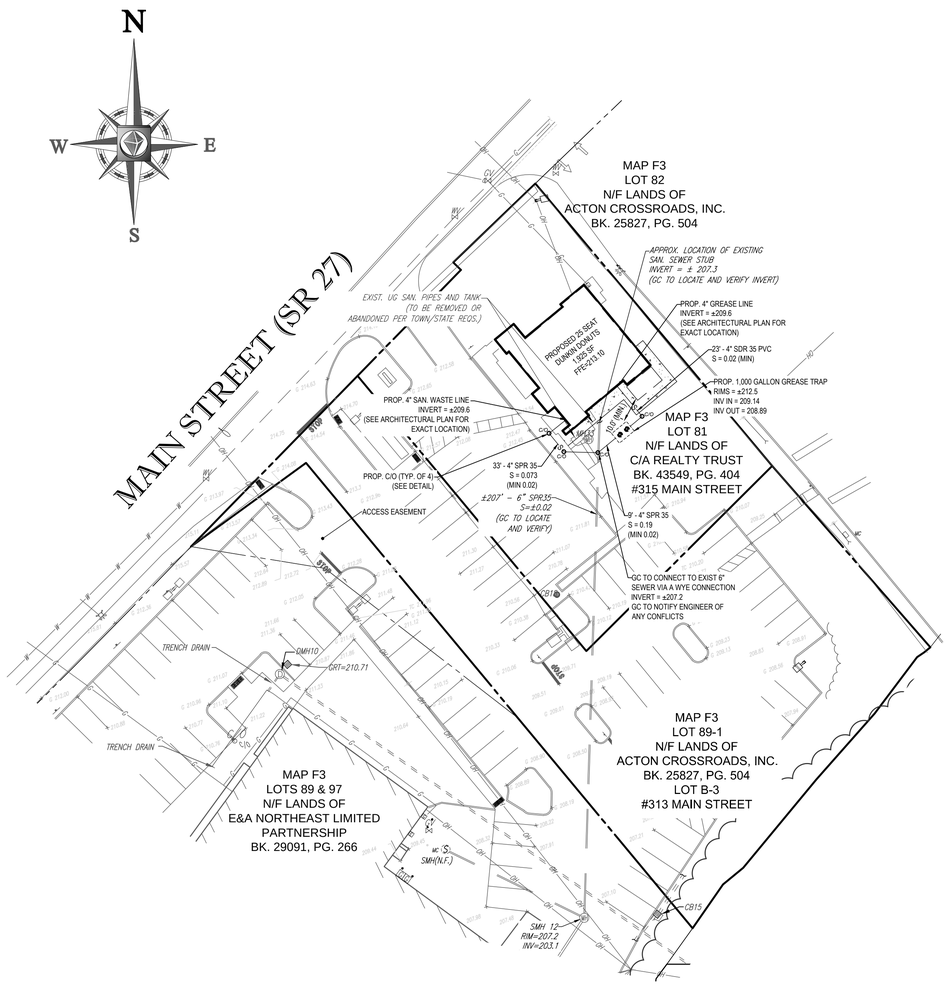
KEY MAP
SCALE: 1" = 200'

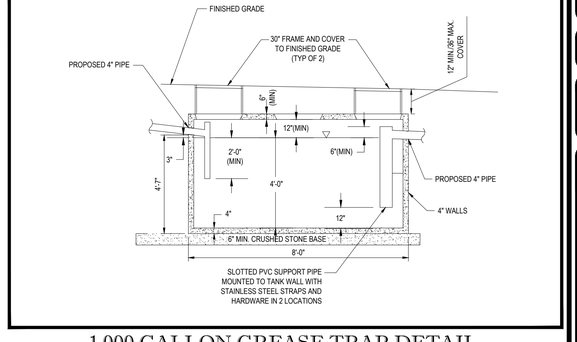


TYPICAL UTILITY TRENCH

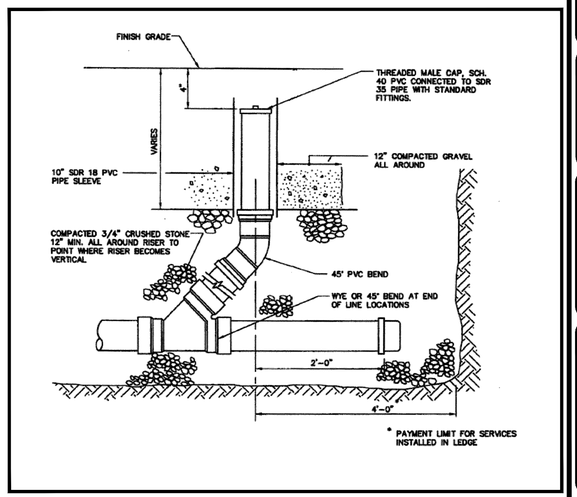
LEGEND

124 / 125	EXISTING CONTOUR	CB	CATCH BASIN/INLET
× 123.45	EXISTING SPOT ELEVATION	DMH	DRAINAGE/STORM MANHOLE
× 123.45	EXIST. TOP OF CURB ELEVATION	EMH	ELECTRIC MANHOLE
× 122.85	EXIST. GUTTER ELEVATION	SMH	SANITARY/SEWER MANHOLE
× FF 123.45	EXIST. FINISHED FLOOR ELEVATION	TMH	TELEPHONE MANHOLE
OH	OVERHEAD WIRES	MH	UNKNOWN MANHOLE
G	APPROX. LOC. UNDERGROUND GAS LINE PER UTILITY MARK-OUT & REF. #18 (SEE NOTE 3)	SMH(N.F.)	SANITARY/SEWER MANHOLE PER REF. #21 & 22 (NOT FIELD VERIFIED - SEE NOTE 3)
E	APPROX. LOC. UNDERGROUND ELEC. LINE UTILITY MARK-OUT (SEE NOTE 3)	MH(N.F.)	UNKNOWN MANHOLE PER REF. #21 & 22 (NOT FIELD VERIFIED - SEE NOTE 3)
T	APPROX. LOC. UNDERGROUND TEL. LINE PER UTILITY MARK-OUT (SEE NOTE 3)	MW	MONITORING WELL
		EM	ELECTRIC METER
D	APPROX. LOC. UNDERGROUND DRAINAGE LINE	GM	GAS METER
W	APPROX. LOC. UNDERGROUND WATER LINE PER REF. #20 (NOT FIELD VERIFIED - SEE NOTE 3)		HYDRANT
S	APPROX. LOC. UNDERGROUND SAN. LINE PER REF. #21 & 22 (NOT FIELD VERIFIED - SEE NOTE 3)	GV	GAS VALVE
		VALVE	UNKNOWN VALVE
		WV	WATER VALVE
E.O.P.	EDGE OF PAVEMENT	C/O(N.F.)	CLEAN OUT PER REF. #21 & 22 (NOT FIELD VERIFIED - SEE NOTE 3)
L.S.A.	LANDSCAPED AREA	WLF-21	DELINEATION FLAG
MC	METAL COVER	UP	UTILITY POLE
M.G.C.	MOUNTABLE GRANITE CURB	UPLP	UTILITY POLE/LIGHT POLE
U.G.	UNDER GROUND		GUY WIRE
MAS.	MASONRY		STREET LIGHT
PVC	POLYVINYL CHLORIDE		SIGN
HDPE	HIGH DENSITY POLYETHYLENE		BOLLARD
(TYP.)	TYPICAL		METAL GUIDE RAIL
CONC.	CONCRETE		AREA LIGHT
D.W.P.	DETECTABLE WARNING PAD		PARKING SPACE COUNT
S.Y.L.	SOLID YELLOW LINE		DEPRESSED CURB
D.Y.L.	DOUBLE YELLOW LINE		PAINTED ARROWS
T.O.C.	TOP OF CURB		
F.O.W.	FULL OF WATER		
N.V.P.	NO VISIBLE PIPE		
W.L.	WATER LEVEL		
U.T.O.	UNABLE TO OPEN		
T.O.P.	TOP OF PIPE		
T.O.C.	TOP OF COVER		
F.O.D.	FULL OF DEBRIS		





1,000 GALLON GREASE TRAP DETAIL


FINISH GRADE
THREADED MALE CAP, SCH. 40 PVC CONNECTED TO SDR 35 PIPE WITH STANDARD FITTINGS.
4"
VARIES
10" SDR 18 PVC PIPE SLEEVE
12" COMPACT

TAB 3

3H

RESTAURANT SPECIAL USE PERMIT #1/14/94-343
COSTA DONUTS TWO
299 MAIN STREET (LAKE) PAGE 1

Decision of the Board of Selectmen (hereinafter the Board) on the Petition of Costa Donuts Two (hereinafter the Petitioner) for the property located at 299 Main Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F3, parcel 89,97.

This Decision is in response to an application submitted to the Board on January 14, 1994 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 March 15, 1994 at 8:15 p.m. in the Acton Town Hall, Acton, Massachusetts. Board members F. Dore' Hunter, Nancy Tavernier, 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 March 8, 1994; IDC from the Health Officer to the Town Manager dated March 1 1994; IDC from the Town Planner to the Town Manager dated January 27, 1994; IDC from the Engineering Department to the Town Manager dated February 2, 1994; IDC from the Fire Chief to the Town Manager dated March 10, 1994.

1.0 Findings and Conclusions

Based upon its review of the exhibits and record of the proceedings, the Board found that:

1.1 The restaurant use is appropriate for the site in question.

1.2 The restaurant shall be limited to nineteen (19) seats unless otherwise approved by the Board of Health and the Building Commissioner.

1.3 The parking is adequate for the intended use.

1.4 The use, as proposed, is consistent with the Master Plan, is in harmony with the purpose and intent of this Bylaw, and will not be detrimental or injurious to the neighborhood.

RSD 05/04/94 01:17:38 691 18.00

21460-43

1.5 Unless authorized by the Board, the applicant can not sell any food between the hours of 12 midnight and six in the morning.

1.6 The traffic generated by the restaurant use will be different than produced by the present retail store. The Board understands that the owner of the site intends to revamp the entire site, at which time a traffic study will be necessary.

1.7 The sprinkler system shall be connected to the fire station by a master fire alarm box. The deli is required to install a local alarm system with pull stations and audible horn lights connected into the building fire alarm panel which would be connected into the building fire alarm panel. A lock box is also required. These items will help ensure public safety.

Therefore the Board voted to **GRANT** the requested Special Permit with the benefit of the following limitations:

2.0 Limitations

2.1 The restaurant shall be run according to the submitted documents.

2.2 This decision applies only to the requested Special Permit, other permits or approvals required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

2.3 Effective Date of Special Permit - No special permit or any modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in the Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

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 hand this 7 day of , 1994.

F Dore' Hunter, Chairman

RESTAURANT SPECIAL USE PERMIT #1/14/94/343
COSTA DONUTS TWO
299 MAIN STREET (LAKE)

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

Christine Joyce
Recording Secretary

March 30, 1994 2:35 P.M.
Date filed with Town Clerk

Catherine Belbin, Town Clerk

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

April 21, 1994
Date

Catherine Belbin, 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, Stow, Sudbury

(630)

A TRUE COPY. ATTEST:

TOWN CLERK ACTON, MASS.

TAB 4

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 264-9630
clerk@acton-ma.gov

September 30, 2015

TO WHOM IT MAY CONCERN:

Certification of No Appeals

The attached Board of Selectmen Decision #04/30/71-15, fourth amendment on the request of David C. Levey of Beveridge & Diamond on behalf of E & A Northeast LP of 21 Custom House Street, Suite 450, Boston Ma (hereinafter the Applicant), for the property located at 291, 295, 313, and 315 Main Street and 401 Massachusetts Ave., Acton, Ma 01720, was filed with the Town Clerk's Office on September 9, 2015, 2015.

This is to certify pursuant to M.G.L. c. 40A, § 11, that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal with respect to this decision (Site Plan Special Permit #04/30/74-15 - Amendment 4) has been filed under M.G.L. c. 40A, § 17, with this office.

Open Meeting Law Notice

The above certification concerns only potential appeals filed pursuant to the Massachusetts Zoning Act. Please be advised that the Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, enacted effective July 1, 2010 (the "New OML"), authorizes certain complaints to be made concerning alleged open meeting law violations which, if proven, may result among other remedies in an order of the Attorney General's Office or of a Court to "nullify in whole or in part any action taken at the meeting" at which the alleged violation occurred. M.G.L. c. 30A, § 23(c)(3). The time frames for bringing and resolving such complaints and any court action relating thereto differs from the time frame for zoning appeals. Accordingly, please consult your counsel for advice as to any risks which any such complaints or court actions under the New OML may pose for your project.

Without limitation, at this time, the records of the Town Clerk's Office indicate that:

_X_ The Town Clerk's Office has not received a complaint under the New OML concerning the above-described matter.

____ The Town Clerk's Office has received a complaint under the New OML concerning the above-described matter and it is pending before the above public body.

____ The Town Clerk's Office has received both a complaint under the New OML concerning the above-described matter and the public body's transmittal to the Attorney General's office, which office may or may not take further action pertaining thereto.

Eva K. Szkaradek
Town Clerk

(A0110976.3)

A TRUE COPY, ATTEST:

Ann K Sykaradek

TOWN CLERK, ACTON, MA

RECEIVED

SEP - 9 2015

TOWN CLERK
ACTON

Acton Plaza Shopping Center
Amendment #4 Site Plan Special Permit #04/30/71-15
291, 295, 313 and 315 Main Street and 381 and 401 Massachusetts Avenue
September 8, 2015

Board of Selectman

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6611
Fax (978) 929-6350
BOS@acton-ma.gov
www.acton-ma.gov

FOURTH AMENDEMENT OF DECISION

#04/30/71-15

Acton Plaza Shopping Center

September 8, 2015

GRANTED

Decision of the Acton Board of Selectmen (hereinafter the Board) on the request of Brian C. Levey of Beveridge & Diamond on behalf of E&A Northeast LP of 21 Custom House Street, Suite 450 Boston, MA 0211 (hereinafter the Applicant), dated July 29, 2015 for an amendment of a Site Plan Special Permit dated April 30, 1971, previously amended on May 17, 1994, June 23, 2013, and August 11, 2014 (together the Original Decision). The subject property is located at 291, 295, 313, and 315 Main Street and 381 and 401 Massachusetts Avenue (hereinafter the Site). The board considered the request at a duly noticed public meeting on September 8, 2015. Board members Katherine 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 Brian C. Levey, dated July 29, 2015

1.2 Supplemental information as follows:

- Tab 1: Site Plan Special Permit #4/30/71-15 Decision;
- Tab 2: Amendment to Site Plan Special Permit #4/30/71-15 Decision and Site Plan;
- Tab 3: Second Amendment to Site Plan Special Permit #4/30/71-15 Decision;
- Tab 4: Third Amendment to Site Plan Special Permit #4/30/71-15 Decision;
- Tab 5: Site Plan revision dated 5/28/2013;
- Tab 6: Relocation Parking Easement dated 7/29/2015

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 approval of relocating the existing and previously approved 20-space parking easement for an abutting property owner (Acton Crossroads Inc.) as shown in the Exhibits. The existing and proposed easement locations are in the rear of the lower plaza (Acton II).

2.2 The subject parking spaces are in excess of the Acton Zoning Bylaw's minimum.

2.3 The proposed Plan change and the requested amendment of the special permit granted in the Original Decision are minor in nature, do not trigger a new Special Permit, and do not warrant a public hearing as they do not expand or change the ground area, impervious materials, or building floor areas.

3 BOARD ACTION

Therefore, the Board voted unanimously on September 8, 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 applicant shall record this decision at the Middlesex South District Registry of Deeds.

4.2 All work on the Site shall be conducted in accordance with the terms of this special permit and shall conform with and be limited to the improvement shown on the Plan as conditioned, modified, and approved herein.

5. EFFECT AND SCOPE OF THIS AMENDEMENT DECISION

This Amendment Decision only responds and decides on the limited matters before the Board as outlined herein. Except as herein specified, the Original Decision shall remain in full force and effect.

The Town of Acton Board of Selectmen

Katherine 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		

BEVERIDGE & DIAMOND PC
15 WALNUT STREET
SUITE 400
WELLESLEY, MA 02481-2133

2628

DATE 3/01/2016

15-120/540 DC
0025

PAY TO THE ORDER OF Town of Acton $ 350.00

Three Hundred Fifty and 00/100 DOLLARS

Security Features Details on Back

Bank of America

ACH R/T 054001204

FOR Application Filing Fees

MP

#03632-015440 ⑈002628⑈ ⑆054001204⑆ 0019205527 18⑈

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

Planning Department

MEMORANDUM

To: Board of Selectmen ***Date:*** March 15, 2016

From: Robert Hummel, Assistant Town Planner RH

Subject: **Fifth Amendment- Site Plan Special Permit Minor Amendment – Acton Plaza Shopping Center**
 # 04/30/71-15

Overview

Attached for your consideration is a draft decision for a Site Plan Special Permit Fifth Amendment request for the Acton Plaza Shopping Center properties located at 291, 295, 313, and 315 Main Street and 381 and 401 Massachusetts Avenue

The attached draft decision includes the following amendments:

- The Amendment request is for the approval of relocating the existing Dunkin Donuts within the Acton Plaza I. The Dunkin Donuts restaurant would relocate from 299 Main Street, part of Acton Plaza I, to 315 Main Street, which is the existing vacant freestanding building.
- The 8' X 14' walk-in cooler in the rear of 299 Main would be relocated to the rear of 315 Main Street.
- The Zoning Bylaw has a per square foot parking formula for shopping centers that is unaffected by the proposed relocation and change in seating.
- The original Restaurant Special Use Permit #1/14/94-343 stated that the restaurant shall be limited to nineteen (19) seats unless otherwise approved by the Board of Health and the Building Commissioner.
- The applicant has contacted the Engineering Department regarding any applicable privileged fees.

Recommendation

Typically minor amendments of this nature can be handled as a consent agenda item at a regular Board of Selectmen meeting. The Planning Department recommends approval of the attached draft decision.

Board of Selectman

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6611
Fax (978) 929-6350
BOS@acton-ma.gov
www.acton-ma.gov

DRAFT

FIFTH AMENDEMENT OF DECISION

#04/30/71-15

Acton Plaza Shopping Center

March 21, 2016

GRANTED

Decision of the Acton Board of Selectmen (hereinafter the Board) on the request of Brian C. Levey of Beveridge & Diamond on behalf of E&A Northeast LP of 21 Custom House Street, Suite 450 Boston, MA 0211 (hereinafter the Applicant), dated March 2, 2016 for an amendment of a Site Plan Special Permit dated April 30, 1971, previously amended on May 17, 1994, June 23, 2013, August 11, 2014, and September 8, 2015 (together the Original Decision). The subject property is located at 291, 295, 313, and 315 Main Street and 381 and 401 Massachusetts Avenue (hereinafter the Site). The Board considered the request at a regular meeting on March 21, 2016. Board members Katie Green (Chair), Janet K. Adachi, Frances J. Osman, Peter J. Berry, and Chingsung Chang 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 Brian C. Levey, dated March 2, 2016;

1.2 Supplemental information as follows:

- Tab 1: Site Plan dated 02/04/2016;
- Tab 2: Sewer Construction Plan dated 02/17/2016;
- Tab 3: Restaurant Special Use Permit #1/14/94-343 Decision;
- Tab 4: Fourth Amendment to Site Plan Special Permit #4/30/71-15 Decision which amended the Site Plan Special Permit for the approval of relocating the existing and previously approved 20-space parking easement for an abutting property owner;

1.3 Interdepartmental and other communication:

- Engineering Department Memo dated March 14, 2016;
- Planning Department Memo dated March 15, 2016.

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 the approval of relocating the existing Dunkin Donuts within the Acton Plaza I. The Dunkin Donuts restaurant would relocate from 299 Main Street, part of Acton Plaza I, to 315 Main Street, which is the existing vacant freestanding building that is part of the Acton Plaza I.

2.2 The 8' X 14' walk-in cooler in the rear of 299 Main would be relocated to the rear of 315 Main Street.

2.3 Acton Plaza I has sufficient amount of parking in compliance with the Zoning Bylaw.

2.4 The proposed new Dunkin Donuts location requires the payment of sewer privilege fees.

2.5 The proposed Plan change and the requested amendment of the special permit granted in the Original Decision are minor in nature, do not trigger a new Special Permit, and do not warrant a public hearing as they do not expand or change the ground area, impervious materials, or building floor areas.

3 BOARD ACTION

Therefore, the Board voted unanimously on March 21, 2016 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 This Decision shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of any building permit or certificate of occupancy.

4.2 All work on the Site shall be conducted in accordance with the terms of this special permit as amended herein and shall conform with and be limited to the improvement shown on the Plan as conditioned, modified, and approved herein.

5. EFFECT AND SCOPE OF THIS AMENDEMENT DECISION

This Amendment Decision only responds and decides on the limited matters before the Board as outlined herein. 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		

DRAFT