

Acton Plaza Shopping Center
Amendment #5 Site Plan Special Permit #04/30/71-15,
Amendment #1 Use Special Permit #1/14/94-343
291, 295, 313 and 315 Main Street and 381 and 401 Massachusetts Avenue
March 21, 2016



Board of Selectman

TOWN OF ACTON
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FIFTH AMEDEMMENT OF DECISION

#04/30/71-15

FIRST AMEDEMMENT OF DECISION

#1/14/94-343

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), and for an amendment of the Use Special Permit #1/14/94-343. Board members Katie Green (Chair), Janet K. Adachi, Frances J. Osman, 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. The Board considered the request at a regular meeting on March 21, 2016.

Amendment #5 Site Plan Special Permit 04/30/71-15,
Amendment #1 Use Special Permit #1/14/94-343

March 21, 2016

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. The original Use Special Permit for the restaurant limited the number of seats to 19 and the applicant has requested an increase from 19 to 25 seats.
- 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 betterment fees.
- 2.5 The proposed plan change and the requested amendment of the special permits granted in the Original Decision are minor in nature, does not trigger new Special Permits, and does 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 two special permit amendments 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 amendments 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 permits using any and all power available to it under the law.

- 4.1 The restaurant shall be limited to twenty-five (25) seats unless otherwise approved by the Board of Health and the Building Commissioner.
- 4.2 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 these special permits 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 AMENDMENT 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		