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Country Properties, LLC
Site Plan Special Permit Decision #04/22/16 - 462
429 Great Road
June 6, 2016



Board of Selectmen

TOWN OF ACTON
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DECISION

#04/22/16 – 462

Country Properties, LLC

Site Plan Special Permit

429 Great Road

June 6, 2016

GRANTED with CONDITIONS

Decision of the Acton Board of Selectmen (hereinafter the Board) on the request of Country Properties, LLC, of 429 Great Road Acton, MA (hereinafter the Applicant/ Owner), received April 22, 2016. The Applicant is requesting a Site Plan Special Permit pursuant to Section 10.4 of the Zoning Bylaw (hereinafter the Bylaw) for property located at 429 Great Road, shown on the Acton Town Atlas as map C5-67 (hereinafter the site).

The Board considered the request at a duly noticed public hearing on June 6, 2016. Board members Janet K. Adachi (Vice-Chair), Frances J. Osman (Clerk), Katie Green, and Chingsung Chang were present.

The minutes of the hearing and submissions upon which this Decision is based on may be found in the Town Clerk's office or the Board's office at the Acton Town Hall.

1. EXHIBITS

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

1.1 An Application binder entitled "Site Plan Special Permit Application & Special Permit Application", compiled by Stamski and McNary, Inc., dated 4/22/16, containing the following:

- Application cover letter;
- Certified Abutters List;
- Recorded Plans;
- Recorded Deeds;
- Supplemental Drainage Calculation Information;
- Site Plan, pages 1-6;
- Floor Plans A1-A3;
- Landscaping Plan;

1.2 Lighting Plans prepared by CREE dated April 4/29/16:

1.3 Interdepartmental and other communication:

- Fire Department Comment dated April 28, 2016;
- Acton Water District Memo dated May 23, 2016;
- Design Review Board Memo dated May 23, 2016;
- Engineering Department Memo dated May 23, 2016;
- Planning Department Memo dated June 1, 2016;

Exhibit 1.1 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 Site is located in the Limited Business (LB), Groundwater Protection District Zone 3 and 4.
- 2.2 The proposed Site Plan meets the front, side and rear yard setback requirements for the LB zoning district. The Applicant received a variance from the Zoning Board of Appeal (Decision #15-11) in 2015 to locate the proposed building 15.3 feet from the street rather than the required 75 foot setback.
- 2.3 The proposed building has a Net Floor Area of 8,856 square feet.

- 2.4 The proposed FAR of 0.175 does not exceed the maximum FAR of 0.20 in this zoning district.
- 2.5 The proposed uses are Vehicle Sales and Vehicle Service Station.
- 2.6 The Site Plan meets the parking regulation standards in Section 6.3 for the proposed uses.
- 2.7 In all other respects, the proposed parking lot dimensions comply with Section 6.5 in the ZBL. The number of parking spaces shown on the plans complies with the maximum parking requirement for the Limited Business zoning district.
- 2.8 The Applicant is proposing to construct a sidewalk in front of the property.
- 2.9 The Applicant has provided a photometric plan and it complies with the total wattage allowed on site.
- 2.10 Since the proposed building will produce less than 30 trips in a peak hour and less than 400 trips on a weekday, this project is not subject to traffic impact study.
- 2.11 The Applicant has indicated on the Site Plan a proposed location for a freestanding sign. Site Plan Special Permits do not approve signage. The Applicant would be advised to contact the Planning Department for a sign application upon the approval of this Site Plan Special Permit.
- 2.12 The Board has received comments from various Town Departments, which are listed in Exhibit 1.3 above. These comments were considered by the Board in its deliberations, were made available to the Applicant, and are incorporated into this decision as deemed appropriate by the Board.
- 2.13 The proposed use is consistent with the Master Plan; is in harmony with the purpose and intent of this Bylaw; will not be detrimental or injurious to the neighborhood in which it is to take place; is appropriate for the site in question; and complies with all applicable requirements of this Bylaw.

3. BOARD ACTION

Therefore, the Board voted unanimously on June 6, 2016 in favor of GRANTING the Site Plan Special Permit # 04/22/16 - 462, subject to the following Conditions and Limitations.

4. PLAN MODIFICATION

The Building Commissioner shall not issue a building permit for this Project or any portion thereof, nor shall any construction activity approved hereunder begin on the Site, until and unless the Zoning Enforcement Officer (ZEO) confirms that the Plan is revised to include the following additional, corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the ZEO. Where approvals are required from persons, boards, commissions, or agencies other than the ZEO, the Applicant shall be responsible for providing evidence of such approvals to the ZEO.

- 4.1 Amend Architectural Plan Sheet #A3 to show the foundation exposure on the side facing Great Road to not exceed more than 2 - 2.5 feet.
- 4.2 Provide lighting details for proposed fixtures shown on the Lighting Plan dated 4/29/16.
- 4.3 Verify soil conditions with the Engineering Department for suitability with drainage design.
- 4.4 Any additional lighting must conform to ZBL Sections 10.6.3.2 a) and b) and be approved by the ZEO prior to issuance of a building permit.
- 4.5 The Plan shall be modified to comply in all respects with the Bylaw. Unless directed otherwise by this decision, the Plan shall also be modified to comply with all requirements of the Rules, and to address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.

5. CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render the Site Plan Special Permit granted with this Decision null and void, without force and effect, and shall constitute grounds for revocation of this Site Plan Special Permit. The Town of Acton may elect to enforce compliance with this Site Plan Special Permit using any and all powers available to it under the law.

- 5.1 The Applicant shall meet and continue to adhere to all requirements of the Town Bylaws.
- 5.2 The area on the Site Plan where there is perimeter landscaping indicated shall not be used as a parking space.
- 5.3 Great Road is a State highway. A MassDOT access permit is required for this project. Send a copy of the access permit to the Engineering Department immediately upon receipt.
- 5.4 Prior to the issuance of the certificate of occupancy on the Site, submit an as-built plan stamped and certified by a Massachusetts Licensed Surveyor and a Professional Engineer showing the buildings, pavement, drainage, utilities, etc. and certifying that the Site development has been completed in accordance with the approved Plan and that all features required on the Site by the approved Plan and this Decision have been field inspected and conform with the approved design; any non-conforming features shall be clearly noted.
- 5.5 The Applicant shall be diligent in complying with the erosion and sediment control plan. The Applicant shall not cause or permit the runoff of water or erosion that results in the flooding or siltation of any street, way or drainage facility owned or maintained by the Town. If such runoff or erosion occurs, the Building Commissioner may order the immediate cessation of any excavation, construction and building activities until the conditions that caused the runoff or erosion have been corrected.
- 5.6 No work on the Site shall begin prior to the issuance of a building permit.

- 5.7 All water service lines shall be installed in accordance with the specifications of the Acton Water Supply District.
- 5.8 All construction activity on the property relating to this Special Permit shall be limited to the hours of: Monday — Friday: 7:00am — 5:00pm; Saturday 8:00am — 5:00pm; Sundays & Holidays: No work permitted.
- 5.9 Every attempt shall be made to minimize any adverse construction conditions (such as, but not limited to dust and noise, etc.) on neighboring and abutting properties.
- 5.10 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.
- 5.11 The Applicant shall bring revised plans to the Design Review Board for consultation upon prior of the building permit.

6. LIMITATIONS

The authority granted to the Applicant under this Site Plan Special Permit is limited as follows:

- 6.1 The foregoing required modifications and 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.
- 6.2 This Site Plan Special Permit applies only to the Site identified in this Decision and to the proposed uses and activities shown and noted in the Plan.
- 6.3 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.
- 6.4 This Site Plan Special Permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this Decision with the Town Clerk, except for good cause, or if construction under this Site Plan Special Permit is not continued through to completion as continuously and expeditiously as is reasonable. For construction to continue towards completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than two years. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to this Site Plan Special Permit and to require any appropriate modifications of the Plan.
- 6.5 The Board hereby reserves its right and power to modify or amend terms and conditions of this Site Plan Special Permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.

7. APPEALS

Any person(s) aggrieved by the issuance of this Site Plan Special Permit has the right to appeal pursuant to M.G.L., Ch. 40A, §. 17 and shall file such appeal within 20 days after the filing date of this Decision with the Town Clerk.

The Town of Acton Board of Selectmen



Janet Adachi, Vice Chair

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief
Owner

Building Commissioner	Health Department
Engineering Department	Design Review Board
Natural Resources Dept.	Town Manager
Police Chief	EDC
Historical Commission	Assessors Department