



Civil Engineering • Land Planning • Land Surveying

Engineering Solutions  
for Land & Structures

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AUG 01 2016

TOWN CLERK  
ACTON

July 29, 2016

Acton Planning Department  
Attn.: Roland Bartl  
c/o Town Hall  
472 Main Street  
Acton, MA 01720

RECEIVED

AUG 1 2016

Town of Acton  
Planning Department

RE: Modification of Site Development Plan #2/1/80-180  
Property: 178 Great Road, Acton, Map F4-10  
Owner: 178 Great Road Acton, LLC

Dear Mr. Bartl:

On behalf of the owner / applicant of the above referenced property GPR requests a minor modification of the existing permit. The applicant and their representatives have met with the Planning Department to discuss the redevelopment of this property on several occasions. As the Department is aware the applicant owns Alpha Cars of Boxborough and proposes to use the property for a second site for automotive sales. The Great Road site would not conduct repairs or service work. The site would be used for display and sales.

Since the initial meetings with the Planning Department the applicant had filed for a Special Permit with the ZBA under Section 8.3.3 of the A Zoning Bylaws to extend an existing in nonconforming building horizontally within the dimension of its existing nonconformity. In preparation for meeting with the ZBA the applicant also met with the Design Review Board ((DRB). Those meetings were very productive and helped create the final architectural design and site layout. The ZBA issued a Special Permit and granted decision #16-03.

Recently the applicant has filed a Notice of Intent with the Acton Conservation Commission for work within their jurisdiction as well as under Chapter X, Stormwater Management and Erosion & Sediment Control. The proposed site redevelopment reduces the sites total impervious footprint while reducing the parking spaces from roughly twenty-three to seven. The current site development doesn't treat the stormwater runoff other than overland flow from the paved surfaces and a point discharge. The proposed new structures approved by the ZBA will collect the roof runoff and recharge the runoff in two shallow basins on site. The runoff from the parking and paved surfaces will be treated in a bio-retention basin.

The applicant has also reached out to the owner of the abutting properties at 172 Great Road for permission to request authorization from the Acton Conservation Commission to remove invasive plant material from the wetland swale long the common property line as part of the NOI filing.

**Goldsmith, Prest & Ringwall, Inc.**

03/17/08

The proposed changes and use do not require a Site Plan Special Permit under 10.4.1.2. The proposed building has less than the 1,200 square foot net floor area than the existing and the total site has less impervious area. Therefore, we request the Board issue a minor site plan modification for the proposed changes. Copies of the architectural plans are on file with the Planning Department and the ZBA. Stormwater Management calculations and water balance calculations are on file with the Acton Conservation Commission and the Acton Engineering Department.

In connection with the filing we have prepared and attached the following:

1. Application for Site Plan Modification;
2. Check number 1007 in the amount of \$250 for the filing fee;
3. Copy of the Site Development Plan Decision #2/1/80-180 filed at the Middlesex South Registry of Deeds in Bk 13962 pg 380;
4. ZBA decision#16-03;
5. Deed Bk 67625 pg 156;
6. Certified Abutter list; and
7. Site plan set by GPR of three sheets including an Existing Conditions/Demo Plan & Proposed Site Plan, a Stormwater Pollution Prevention Plan and Construction Details.

Should you need additional copies or more information please contact me at our office.

Sincerely,



Bruce D. Ringwall, Pres.

Copy to: Dmitry Bykhovsky, 178 Great Road Acton, LLC  
Lou Levine, D'Agostine, Levine, Parra & Netburn, PC

1007

E-ZShield<sup>SM</sup> Check Fraud Protection for Business

**FLEET LOGIC, LLC**  
649 MASSACHUSETTS AVE  
BOXBOROUGH, MA 01719

53-7052-2113

DATE 04/28/16

PAY TO THE ORDER OF

Town of Aston

\$ 250-

two hundred fifty

DOLLARS Security Features  
Details on back.

**Avidia Bank**

FOR

Site plan modification

⑈001007⑈ ⑆211370529⑆ 32324709⑈

**Appendix B**  
**TOWN OF ACTON**  
**APPLICATION FOR SITE PLAN SPECIAL PERMIT**

For Minor Modification of Site Development Plan #02/1/80-180  
Under Zoning Bylaw Section \_\_\_\_\_

Refer to the "Rules and Regulations for Site Plan Special Permits" available from the Building Department or the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 or Building Department at 978-929-6633 with any questions concerning the Rules. Incomplete applications may be denied.

**Please type or print your application.**

1. Location and Street Address of Site 178 Great Road, Acton, MA 01720
2. Applicant's Name 178 Great Road Acton, LLC  
Address 649 Massachusetts Ave, Boxborough, MA 01719  
Telephone 978-760-5258 Email dmitry@alphacars.com
3. Record Owner's Name 178 Great Road Acton, LLC  
Address Same  
Telephone \_\_\_\_\_ Email \_\_\_\_\_
4. Town Atlas Map(s)/Parcel Number(s) F4-10
5. Zoning District (s) of Parcel(s) LB

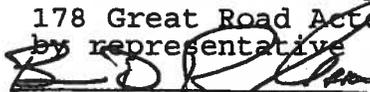
If any site plans have been filed previously for this site give file numbers: ZBA #16-03

The undersigned hereby apply to the Board of Selectmen for a public hearing and a site plan special permit under Section 10.4 of the Zoning Bylaw approving the attached site plan.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

7/29/16  
Date

\_\_\_\_\_  
Signature of Petitioner(s)

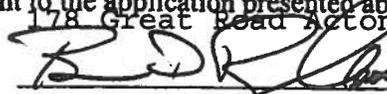
178 Great Road Acton, LLC  
by representative  
  
Signature of Petitioner(s)  
Bruce Ringwall  
for GPR, Inc

**RECORD OWNER'S KNOWLEDGE AND CONSENT**

I hereby assert that I have knowledge of and give my consent to the application presented above.  
178 Great Road Acton, LLC

7/29/16  
Date

\_\_\_\_\_  
Signature of Record Owner(s)

  
Signature of Record Owner(s)  
Bruce Ringwall  
for GPR, Inc.

552 0322 4400

15

BK13962 PG379



TOWN OF  
ACTON, MASSACHUSETTS  
TOWN CLERK

April 15, 1980

TO WHOM IT MAY CONCERN:

RE: SITE DEVELOPMENT PLAN #2/1/80-180

THIS IS TO ADVISE THAT THE 20 DAY APPEAL PERIOD FOR THE  
ABOVE MENTIONED SITE DEVELOPMENT PLAN ELAPSED. THIS DECISION  
WAS FILED WITH THE TOWN CLERK'S OFFICE ON MARCH 24, 1980.

13859-310

*Lydia E. Laourse*  
Lydia E. Laourse  
Town Clerk

LRL/c

SEE ATTACHED

RECEIVED  
APR 28 1980

BK 13962 PG380



TOWN MANAGER  
CHRISTOPHER J. FARRIELL

TOWN OF ACTON  
TOWN HALL  
P. O. BOX 286  
ACTON, MASSACHUSETTS 01720  
TELEPHONE (617) 269-2761

BOARD OF SELECTMEN  
JOAN M. GARDNER, CHAIRMAN  
JOYCE E. FOLEY, VICE-CHAIRMAN  
STANTON J. COLLINS, JR., CLERK  
ALFRED F. STENHAUER  
HAYDEN A. SUGGAN

March 21, 1980

RECEIVED & FILED

DATE MAR 24 1980

AK 13859 Pg 310  
Peter Flagg, Trustee  
138 Great Road  
Acton, Massachusetts 01720

*Ludie L. Service*  
TOWN CLERK, ACTON

Dear Mr. Flagg: Re: Site Development Plan #2/1/80-180

Under the provisions of Section VIII of the Zoning Bylaw of the Town of Acton, the Board of Selectmen, at its regular meeting held on March 18, 1980, voted to approve site development plan #2/1/80-180, and as shown on (1) Locus Map of the Town of Acton, (2) Plan #498 of 1949, Book 7417, page 466, recorded in the Middlesex Registry of Deeds, South District, Cambridge, Massachusetts, April 14, 1949, (3) Site Plan for #178 Great Road by David W. Perley, Civil Engineer, Concord, Massachusetts (4) Front Elevations, (5) Floor Plan, (6) End Elevations and Side Elevations for renovations to 178 Great Road by Paul Douglas Minor, Architect, 595 Massachusetts Avenue, Cambridge, Massachusetts 02139, submitted by Peter Flagg on March 21, 1980, subject to the following conditions:

1. Prior to the issuance of a building permit or the start of any work on the site the applicant shall obtain all necessary permits and approvals under the Wetlands Protection Act.
2. Prior to the issuance of a building permit or the start of any work on the site the applicant shall submit copies of approved curb cut permit(s) from the Commonwealth of

Massachusetts DFW to the Board of Selectmen and Building Commissioner.

3. All abandoned wells shall be covered.
4. There shall be no further subdivision or development of the site without further site plan approval.
5. All development of the site must be in accordance with plans as approved by this decision and with the Bylaws of the Town of Acton.
6. No approval of any indicated signs or advertising devices is implied.
7. A detailed landscaping plan shall be submitted to the Board of Selectmen within 60 days of this date for their written approval. Said approved plan shall be carried into effect and completed prior to occupancy or any portion of the premises.
8. Any changes in this plan shall be approved in writing by the Board of Selectmen prior to actual construction. Upon completion of the project, an as built plan shall be submitted to the Board of Selectmen for written approval and to the Building Commissioner.
9. No building or structure authorized by this site plan shall be occupied or used and no activity authorized to be constructed upon the land which is the concern of this site plan approval shall be commenced until a Certificate of Compliance as specified in Section XII-A-3 of the Zoning Bylaw has been issued.

Peter Flagg

-3-

March 21, 1980

10. The conditions of this site development plan approval shall be carried into effect and completed by the applicant by March 18, 1981 and prior to the occupancy permit.

Very truly yours,

BOARD OF SELECTMEN

By:

Jean N. Gardner  
Chairman

JNG/rpb

cc: Town Clerk  
 Building Commissioner  
 Engineering Department  
 Planning Board  
 Board of Health  
 Conservation Commission  
 Board of Assessors  
 Fire Department  
 Water District

RECEIVED

JUN 30 2016

TOWN CLERK  
ACTON



**DECISION #16-03**

**DECISION ON THE PETITION OF DMITRY BYKHOVSKY, 178 GREAT ROAD**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, June 6, 2016 on the Petition of Dmitry Bykhovsky for a **SPECIAL PERMIT** under Section 8.3.3 of the Zoning Bylaws to extend an existing nonconforming building horizontally within the dimension of its existing nonconformity. 178 Great Road, Map F4, Parcel 10.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Member; and Adam Hoffman, Member. Also present were Kimberly Bicker, Board of Appeals Secretary; Kristen Guichard, Assistant Town Planner; Robert Hummel, Assistant Town Planner; the Petitioner, Attorney Louis Levine representing the Petitioner and the Petitioner's architect.

Chairman Wagner opened the hearing and read the contents of the file. In addition to the Petition (which included a Site Plan, original and updated (as of 6/3/2016) architectural and schematic plans), the file contained an Interdepartmental Communication from Kristen Guichard, Assistant Town Planner, explaining that the site now consists of two buildings, one in the rear and one at the front of the lot on Great Road, and that the present front building is nonconforming because of insufficient setbacks on the front and side. The Petitioner proposes to raze the rear building and totally renovate and expand the front building for use as an automobile showroom. The proposed extension of the (front) building will comply with rear setback requirements and extend the building horizontally within the dimension of its existing nonconformity.

Chairman Wagner asked the Petitioner to explain why he was seeking the Special Permit. The Petitioner's architect explained that the purpose of the Special Permit was to permit the renovation of the site by razing one of the existing buildings and expanding the remaining (front) building for use as an automobile showroom. The Petitioner currently has a sales location in Boxborough doing business as Alpha Cars and is seeking to open a new location in Acton on this site. He further stated that he had engaged in extensive discussions with the Design Review Board, which had essentially supported the plans for renovation with some minor changes, which were in fact adopted and incorporated in the revised plans recently submitted.

The Board members discussed whether the proposed expansion constituted a "horizontal extension" as that term is used in the applicable language in Section 8.3.3. Board members concluded the issue was close but acceptable as recommended by the Planning Department. The Board members all agreed that the proposed redesign would not be substantially more detrimental to the neighborhood than the existing structures.

The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the hearing, finds that:

1. The Petitioner seeks a SPECIAL PERMIT under Section 8.3.3 of the Zoning Bylaws to allow the horizontal extension of an existing nonconforming building.
2. The site is located in a Limited Business District.
3. The building to be extended and expanded is nonconforming because of insufficient setbacks on the front and side.
4. The proposed extension and expansion of the existing building will not increase the setback nonconformity.
5. The proposed extension will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.
6. The proposed addition is:
  - (a) consistent with the Master Plan and is in harmony with the general purpose and intent of the Zoning Bylaws;
  - (b) appropriate for the site and will not be more detrimental or injurious to the neighborhood;
  - (c) otherwise complies with the applicable requirements of the Zoning Bylaws.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to GRANT the SPECIAL PERMIT subject, however, to the following conditions:

1. The proposed extension of the building shall be substantially in accordance with the most recent Plans submitted with the Petition and contained in the file.
2. Final landscaping to be reasonably similar to landscaping depicted on the most recent Plans submitted with the Petition and contained in the file.

3. Subject to issuance of Land Disturbance Permit from the Acton Conservation Commission.
4. Subject to approval of the Acton Conservation Commission.
5. Petitioner to construct a sidewalk along the entire frontage (Great Road) of the lot, or alternatively at his option, make standard sidewalk contribution to the Acton Sidewalk Fund.
6. The building will be used only as a sales showroom and related administrative purposes and not for mechanical repairs, servicing or maintenance.

Any person aggrieved by the decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this decision is filed with the Acton Town Clerk.

**TOWN OF ACTON BOARD OF APPEALS**

		
Jonathan Wagner Chairman	Richard Fallon Member	Adam Hoffman Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Kimberly Bricker, Secretary  
Board of Appeals

This decision, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that (1) 20 days have elapsed after the decision has been filed in the office of the Town Clerk and (2) either no appeal has been filed or an appeal has been filed within such time, has been recorded with the Middlesex South County Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

2-4



2016 00108400

Bk: 67525 Pg: 156 Doc: DEED  
Page: 1 of 2 08/29/2016 10:20 AM

### MASSACHUSETTS QUITCLAIM DEED

Vanash Interiors, Inc., a Massachusetts Corporation, of 178 Great Road, Acton, Massachusetts for full consideration paid of Six Hundred Forty Thousand and 00/100 (\$640,000.00) Dollars, grant to 178 Great Rd Acton LLC, a Massachusetts limited liability company with an address of 649 Massachusetts Avenue, Boxborough, Massachusetts *with quitclaim covenants*

A certain parcel of land with the buildings thereon in the easterly part of Acton, Middlesex County, Massachusetts, containing about one-half acre and bounded and described as follows:

Beginning at the southeasterly corner thereof at the State highway from Concord to Littleton and by land formerly of Martin H. Worden; thence Westerly by said Worden 1 and about 183.25/100 feet to the land of the New York, New Haven and Hartford Rail road Company; thence Northerly by land of said Railroad Company about 128.50/100 feet to land formerly of Robert C. and Etta V. Ferguson; thence Easterly by said Ferguson land about 195.75/ 100 feet to the State Highway aforesaid; thence Southerly along said State Highway about 129.75/100 feet to the point of beginning, excepting from the above described premises so much as was taken by the Commonwealth of Massachusetts by an order dated June 11, 1940 for State Highway purposes; also subject to any rights of the New England Telephone & Telegraph Company to maintain poles and wires, insofar as the same is now in force and applicable.

Being the same premises as shown on a plan entitled, "Land in Acton measured for Charles T. Baxter" by Horace F. Tuttle, April 8, 1931, recorded with Middlesex South District Registry of Deeds in Book 7417, Page 466, however otherwise bounded, measured or described.

This conveyance does not constitute all or substantially all of the assets of Vanash Interiors Inc., and this sale is made in the ordinary course of business.

For title, see deed from 178 Great Road, LLC, dated January 9, 2008 and recorded on January 22, 2008 with the Southern Middlesex District Registry of Deeds in Book 50618, Page 265.

In witness whereof, the said Vanash Interiors, Inc., has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Karen Maines, its President and Treasurer, hereto duly authorized this 16<sup>th</sup> day of June, 2016.

Please return to: D'Agostine, Levine. Parra & Netburn, P.O. Box 2223, Acton, MA 01720

MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 08/29/2016 10:20 AM  
Ctrl# 245059 22286 Doc# 00108400  
Fee: \$2,918.40 Cons: \$640,000.00

178 Great Road, Acton, MA

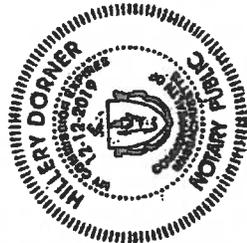
Corporate  
Witness my hand and seal on this 16<sup>th</sup> day of June, 2016

*Karen Maines*, President &  
Karen Maines, President and Treasurer  
Treasurer of Vanash Interiors, Inc.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 16<sup>th</sup> day of June, 2016, before me, the undersigned notary public, personally appeared Karen Maines, proved to me through satisfactory evidence of identification, which was a passport and/or driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose. on behalf of Vanash Interiors, Inc.



*M. Henry Dorner*  
M. Henry Dorner, Notary Public  
My Commission Expires: 12/12/19

\*President and Treasurer of Vanash Interiors, Inc.