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DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Indoor Sports LLC. (hereinafter the Petitioner) for the property located at 30 Great Road Acton, Massachusetts. Said property is shown on Acton Town Atlas Map G-5 Parcels 82-1.

This Decision is in response to an application submitted to the Board on April 20, 2004 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw), to establish a 40 seat restaurant.

After causing notice of the time and place of the public hearing and of 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 June 14, 2004 at 7:15 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members F. Dore` Hunter, Peter Ashton, Robert Johnson, and Walter Foster were present throughout the proceedings.

The record of the proceedings and submissions upon 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 Special Use Permit received April 20, 2004. A plan showing where the restaurant will be located and a USE description.

Exhibit II

Interdepartmental Communication (IDC) from the Town Manager to the Town Staff requesting comments. The following IDC's were received:

1. Building Commissioner dated June 9, 2004
2. Town Planner dated March 10, 2004
3. Engineering Department dated March 4, 2004
4. Transportation Advisory Committee dated March 5, 2004
5. Recreation Director dated February 9, 2004
6. Fire Chief dated February 10, 2004
7. Health Agent dated February 9, 2004

1.0 Findings and Conclusions

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

- 1.1 The site is located in the East Acton Village 2 Zoning District and the restaurant is permitted by Special Use Permit.
- 1.2 The site is located in Zone 3 of the Groundwater Protection District.
- 1.3 The Plan provides for sufficient parking.
- 1.4 The access driveway is a one lane bridge. The bridge was built to access a manufacturing facility. The building is presently being used as a commercial recreation facility. Members would be familiar with the single lane bridge but the general public may not be. The Board finds the Applicant should

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clearly post the bridge as a one-lane bridge. The Board reserves the right to reopen the hearing if accidents happen as a result of the one-lane bridge.

1.4 The Plan as herein approved:

1. Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
2. Will provide for convenient and safe vehicular and pedestrian movement and the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
3. Will provide an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises.
4. Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
5. Is consistent with the Master Plan.
6. Is in harmony with the purpose and intent of this Bylaw.
7. Will not be detrimental or injurious to the neighborhood in which it is to take place.
8. Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted to **GRANT** the requested Special Permit subject to the following conditions and limitations.

2.0 Limitations

The Authority granted to the Petitioner by this permit is limited as follows:

- 2.2 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision. No approval of any signs or advertising devices is implied by this Decision.
- 2.3 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 2.4 This approval of a restaurant Special Permit is limited to 40-seats.
- 2.5 This Special Permit shall lapse on July 12, 2006 unless work approved by this permit has commenced except for good cause. Any request for extensions shall be made at least thirty (30) days prior to expiration.
- 2.6 The Board reserves the right to reopen the hearing if accidents occur to consider appropriate action including but not limited to revoking this permit for a restaurant.

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4.0 **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 day of July 2002

F Dore` Hunter, Chairman

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

Christine Joyce, Recording Secretary

Date filed with Town Clerk

Edward Ellis, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of Acton Indoor Sports LLC passed and there have been no appeals made to this office.

Date

Edward Ellis, Town Clerk

cc: Petitioner
 Building Commissioner, Planning Board, Engineering, Conservation, Director of Municipal Properties,
 Board of Health, Town Clerk
 Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury