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DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Margaret Nazarro (hereinafter the Petitioner) for the property located at 253 Arlington Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F2A Parcel 66.

This Decision is in response to an application submitted to the Board on March 09, 2004 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to convert an existing residential building into a services building with associated parking.

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 April 26, 2004 at 7:30 P.M. and continued several times at the request of the applicant until September 27, 2004 at 7:30 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members F. Dore' Hunter, Peter Ashton, William Shupert III, Walter Foster and Robert Johnson 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.

Exhibit I

A properly executed application for Site Plan approval received March 09, 2004, a booklet containing a certified abutters list, USE description, list of other permits, drainage calculations, water balance calculations, earth removal calculations and a traffic study. Five sheet set of engineered plans dated March 9, 2004 revised through September 22, 2004. a sheet of building plans. Revised drainage calculations from Acton Survey & Engineering dated September 22, 2004.

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 3/11/04, 5/7/04, 6/9/04, 7/8/04, 8/4/04, 8/12/04, 9/9/04, and 9/24/04
2. Town Planner dated 4/2/04 revised 7/29/04
3. Fire Chief dated 4/23/04
4. Municipal Properties Director dated 3/31/04 and 8/10/04
5. Engineering Administrator dated 4/1/04 and 8/4/04
6. Health Director dated 3/26/04 and 8/11/04
7. Transportation Advisory Committee dated 4/6/04

Exhibit I is hereinafter referred to as the Plan

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 West Acton Village Zoning District and Zone 4 of the Groundwater Protection District. The use is allowed.

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- 1.2 The Plan provides for a shared common driveway with the West Acton Condominium. The West Acton Condominium Association has not provided a written agreement for this shared driveway. The proposed development cannot be done as proposed without the agreement with the Association.
- 1.3 The Bylaw § 10.6.4 requires a lighting Plan with all applications. The submission does not provide the plan but has provided some of the required information on the Plan. The lighting plan must be provided.
- 1.4 The Plan as herein modified:
 - Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
 - Will provide for convenient and safe vehicular and pedestrian movement and that 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.
 - Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
 - Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
 - 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 and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted to **GRANT** the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 Plan Modifications

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not permit any construction activity to begin on the site until and unless he finds 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 Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 The Plan shall be revised to provide a "lighting Plan" as provided in § 10.6.4.

3.0 Conditions

- 3.1 Prior to the issuing of any permit the Applicant shall provide a lighting Plan as provided in 10.6.4. All existing exterior lighting shall be removed prior to any permit being issued. No additional lighting or change in approved exterior lighting shall be allowed without further Site Plan Approval by the Board of Selectmen.

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- 3.2 Written approval by the West Acton Condo Association shall be provided prior to any permit being issued.
- 3.3 Prior to occupancy or use of the new building, as-built Plans shall be supplied by the engineer of record and lighting design professional certifying the project was built according to the approved documents. The as-built Plans shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades elevations and exterior lighting equipment installed. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.

4.0 Limitations

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

- 4.1 This permit applies only to the site, which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Site Plan 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.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision, all nonconforming signs shall be removed prior to the issuance of the Building Permit.
- 4.5 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM Monday through Saturday.
- 4.6 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.
- 4.7 This Site Plan Special Permit shall lapse on April 28, 2005 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. The Board reserves the right to amend the permit by its own or at the request of the Petitioner with or without a new hearing.

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5.0 **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 October ,2004

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 J. Ellis, Town Clerk

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

Date

Edward J 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