

Town of Acton

APPLICATION FOR SITE PLAN SPECIAL PERMIT

To The

Board Of Selectmen

Refer to the "Rules and Regulations for Site Plan Special Permits" available from the Office of the Board or the Site Plan Coordinator for details on the information and fees required for this application. Contact the Site Plan Coordinator at 264-9632 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

APPLICANT'S

Name & Address

Old Mill Development Trust
6 Proctor Street
Acton, MA 01720

Telephone

978-430-4000 -Cell

OWNER'S

Name & Address

Same

Telephone

978-263-2000 - alternative

Location and Street Address of Site

65 Powder Mill Road

Site Entrance @ 40 Sudbury Road

Tax Map & Parcel Number

J-3 59

Area of Site 5.1 ac.

Zoning District

Powder Mill

If any site plans have been filed previously for this site give file numbers:

01/06/99-368 -amendment

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.

7-5-11

Date

[Handwritten Signature]

Signature of Petitioner

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

7-5-11

Date

[Handwritten Signature]

Signature of Owner

1005

OLD MILL DEVELOPMENT TRUST

ACTON, MA 01720

53-274-113

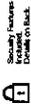
DATE 7/1/11

Town of Acton

PAY TO THE ORDER OF

\$ 2,500.00

Two Thousand Five Hundred Dollars and no/100 * * * * * DOLLARS

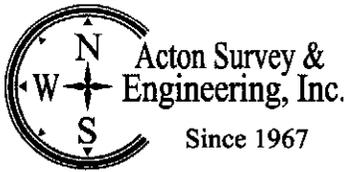


Enterprise Bank
Enterprise Bank Company
LOWELL, MASSACHUSETTS

[Handwritten signature]

FOR

⑆001005⑆ ⑆01302742⑆ 525 843⑆



PO Box 666, 97 Great Road, Suite 6
Acton, MA 01720
Phone: 978-263-3666 Fax: 978-635-0218
actonsurvey@actonsurvey.com

ASE 6055

July 5, 2011

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: Site Plan Special Permit
65 Powder Mill Road
a/k/a 40 Sudbury Road

Previous File SPSP #1/06/99-amendment

Dear Board Members:

As requested by Mr. Leo Bertolami, this office is submitting a Site Plan for a proposed building on the site of 65 Powder Mill Road. Access to the site will be provided across an easement on abutting property with an entrance at 40 Sudbury Road.

Site Plan Special Permits have been granted by the Board for previously proposed buildings at this site, and as those buildings were found not to be economically sustainable, a smaller building has been designed that will allow the site to be utilized in a manner which is both economically feasible and results in less site disturbance.

The proposed use remains an automobile repair facility that has been designed to stand alone or be an adjunct facility to nearby automobile facilities. The expectation is that it will be utilized for repairs requiring an extended period of time, such as classic car restorations. Our client desires to reserve the right to allow the building to be used as a building trade shop.

As shown by the Architectural Plans, the building will consist of two single floor garages with two bays each, connected by a two-story, or tower, structure with a basement level. The first floor of the tower will contain an entrance hall and lavatories and the second floor will contain two small offices. The building layout will allow the structure to house two independent businesses.

We have prepared a Site Plan at a scale of 1"=50' to provide a comprehensive view of the site and the present developments in Acton along Powder Mill and Sudbury Roads. The adjacent property in Concord is being developed for apartments and necessary road improvements are being made along Sudbury and Powder Mill Roads by the developer of the apartments.

Site Plans at a scale of 1"=10' show the area at the southwest corner of the site which is proposed to be altered under this application.

The Assabet Canoe Landing site constructed by our client is located at the northeast corner of the site.

The 1999 Site Plan submittal included improvements to the Village Subaru property at 61 Powder Mill Road, which have been completed. The site pertaining to this current submittal will consist of the properties designated as parcels 59-5 and 59 on Assessor Map J-3, and a Property Plan "dissolving" the boundary between the two properties will be prepared as required.

The contents of this submission are as listed in Section 3 of the Site Plan Special Permit Rules and Regulations, and consist of the following:

- Application Form
- Certified Abutters List
- Use Description
- A list of other permits and variances
- A copy of the most recent recorded plans or deeds
- Stormwater Management Calculations
- Water Balance Calculations
- Earth Removal Calculations
- Eight [8] copies of full scale Site Plans and Architectural Plans (6 sheets total)
- Seven [7] reduced scale copies of Site and Architectural Plans
- Traffic Study

We will welcome the opportunity to meet with Town Staff to discuss any technical issues prior to the Public Hearing.

Thank you for any consideration you may give this matter.

Very truly yours,
Mark T. Donohoe, PE

for: 

Acton Survey & Engineering, Inc.

cc: Acton Town Clerk
Leo Bertolami, Old Mill Development Trust



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-6621
Fax (978) 929-6340

Brian McMullen
Assistant Assessor

Parcel Location 65 Powder Mill Road and 14-18 Sudbury Road
Parcel I.D.: J3-59 and J3-59-5

This Abutters List covers only the parcels within the Town of Acton

Location	Parcel ID	Owner	Co-Owner	Mailing Address	Mailing Address 2	City	ST	Zip
282 OLD HIGH ST	J3-34-3	292 HIGH STREET LLC		2 CHANCE FARM LN		MAYNARD	MA	01754
76 POWDER MILL RD	J3-34-4	AUTOPLEX I LLC		6 PROCTOR ST		ACTON	MA	01720
82 POWDER MILL RD	J3-34-8	ATLANTIC ACTON RLTY LTD	C/O ATLANTIC NGMT	205 NEWBURY STREET		FRAMINGHAM	MA	01701
50 POWDER MILL RD	J3-49	POWDER MILL PROPERTIES, LLC		15 SEA VIEW AV		OSTERVILLE	MA	02655
60 POWDER MILL RD	J3-49-1	AUTOPLEX REALTY LLC		6 PROCTOR ST		ACTON	MA	01720
77 POWDER MILL RD	J3-50	CONCORD LAND COMPANY, LLC		77 POWDER MILL RD		ACTON	MA	01720
35 POWDER MILL RD	J3-55	POWDER MILL REALTY CO		145 POWDER MILL RD		MAYNARD	MA	01754
37 POWDER MILL RD	J3-56	POWDER MILL REALTY CO		145 POWDER MILL RD		MAYNARD	MA	01754
51 POWDER MILL RD	J3-58	AUTOPLEX III LLC		6 PROCTOR ST		ACTON	MA	01720
45 POWDER MILL RD	J3-59-1	JKK INC		78 FOREST RIDGE RD #102		CONCORD	MA	01742
63 POWDER MILL RD	J3-59-2	MOSCARIELLO WILLIAM M	MOSCARIELLO MICHAEL J	83 POWDER MILL RD		ACTON	MA	01720
12 SUDBURY RD	J3-59-3	SWANSON, JOHN E		OLD POWDER MILL		CONCORD	MA	01742
30 SUDBURY RD	J3-59-4	RENFROE H LARUE TR	30 SUDBURY RD REALTY TR	84 SOUTH ST		CARLISLE	MA	01741
13 SUDBURY RD	J3-60	WESTSIDE REALTY LLP	C/O TOWN OF ACTON	472 MAIN ST		ACTON	MA	01720
11 WESTSIDE DR	J3-60-3	SEARS MARK	SEARS LUCINDA	13 WESTSIDE DR		ACTON	MA	01720
11 WESTSIDE DR	J3-60-4	SRIDHARAN RAMAMURTHI	SRIDHARAN KALA	11 WESTSIDE DR		ACTON	MA	01720
5 WESTSIDE DR	J3-60-5	WU XIAOLIN	YANG XIAOLING	5 WESTSIDE DR		ACTON	MA	01720
9 WESTSIDE DR	J3-60-7	HADDOCK LAURIE R		9 WESTSIDE DR		ACTON	MA	01720
7 WESTSIDE DR	J3-60-8	DOUGLAS SCOTT S	DOUGLAS CAROLYN J	7 WESTSIDE DR		ACTON	MA	01720
3 WESTSIDE DR	J3-60-9	JACOB AGNES	CHACKO TOJI	2320 COMMONWEALTH AVE APT 1-4		AUBURNDALE	MA	02466
1 WESTSIDE DR	J3-60-11	KAMATH SUNIL	SHENOY SEEMA	1 WESTSIDE DR		ACTON	MA	01720
10 WESTSIDE DR	J3-60-12	SHEN SHIGANG	SHI JIANYING	10 WESTSIDE DR		ACTON	MA	01720
8 WESTSIDE DR	J3-60-13	YAO HARRY H	HUANG MICHELLE X	8 WESTSIDE DR		ACTON	MA	01720
6 WESTSIDE DR	J3-60-14	TANG QING	WU CHING	6 WESTSIDE DR		ACTON	MA	01720
4 WESTSIDE DR	J3-60-15	HUANG HUI	YU SONG	4 WESTSIDE DR		ACTON	MA	01720
2 WESTSIDE DR	J3-60-16	HALL PAMELA S		2 WESTSIDE DR		ACTON	MA	01720
40 SUDBURY RD	J3-61	BOSTON EDISON CO	C/O REAL ESTATE & PROP TAXES	PO BOX 567		NORWOOD	MA	02062

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01729 Maynard, MA 01754 Concord, MA 01742 Littleton, MA 01460
Carlisle, MA 01741 Stow, MA 01775 Westford, MA 01886 Sudbury, MA 01776

Daryl Powell
Daryl Powell
Property Lister
5/10/2011

Acton Assessors Office

Abutter to 65 Powder Mill Road in Concord

CIP/MCRT

Longview Meadows, LLC

15 N.E. Exec Office Park

Burlington, MA 01803

40 SUDBURY ROAD

a/k/a 65 Powder Mill Road

USE DESCRIPTION

LOCATION

The property on which the proposed building is to be located is comprised of Parcels 59 and 59-5 shown on Assessor Map J-3, which contain 5.1± and 0.58± acres, respectively. Frontage is along Powder Mill Road at the Assabet River Bridge and along Sudbury Road. It is bounded on the east by the Assabet River and on the south by the Concord Town Line

OWNERSHIP

The applicant has owned the property since 1986. A portion of a fifty foot wide Tenneco Gas Easement extends onto the south corner of the site, and a drainage easement to benefit the development at 30 Sudbury Road was granted to the owners of that property.

The applicant also created a public parking area, and granted rights to the area adjacent to the Assabet River Bridge for the Assabet Canoe Landing to provide the only public access to the river in Acton.

EXISTING CONDITIONS

With the exception of the canoe landing, the property is vacant land with flat areas typical of flood plains extending to the steep ice contact slopes that extend up to the flat kame delta on which the parking lot and front portion of the building are to be located.

The kame delta was formed by the deposition of sands and sands and gravels by glacial meltwater under quiescent conditions in a lake formed in an ice-blocked basin. The ice contact slopes represent the position of the glacial ice when the deposition occurred, and upon the melting of the ice, the slopes along the edge of the kame delta remained.

The area of the site contained in the flood plain also consists of sand and gravel deposits along stream entrenchments.

Recently the accidental concentration of runoff and a water main leak on the property in Concord caused erosion to occur on the ice contact slope. The slope has been stabilized, and it is our understanding that Concord Approving Authorities have ascertained that appropriate measures have been incorporated into the development of the Concord property to insure that erosion will not occur in the future.

The area described as being flood plain was utilized as part of the powder mills, with remnants of foundations, drainage ditches and basins, and cart roads remaining. Tree falls and the overland flow of runoff from Powder Mill Road across the Village Subaru site have resulted in an increase in ponding in areas of the flood plain.

Vegetation varies in response to soil moisture conditions and exposure to sunlight. The flood plain is vegetated by trees, shrubs, and herbaceous vegetation typical of wetlands and near wetland areas.

40 Sudbury Road – Use Description 6055

The ice contact slopes are vegetated by trees such as oaks and shrubs that are prevalent in areas with dry soil conditions.

Some dumping of landscape litter such as woodchips has occurred directly from adjacent paved areas.

PROPOSED BUILDING AND USE

The building has been designed with garage doors and ceiling heights to allow its use as a vehicle repair facility, preferably as an adjunct to nearby full-service facilities.

Two thirty-foot long by twenty-six foot deep, one-story gabled roof structures set at ninety degrees to each other are to be connected by a twenty by twenty foot, two-story hip roof structure.

The one-story structures will not have basements and will each consist of two spaces suitable for activities related to vehicle repairs. Each space will have a garage door, and from the exterior the structures will appear to be oversized two-car detached garages.

The east wing of the building will be offset back from the face of the west wing to allow the connecting section to contain a man door with side light [window], leading to a hallway that serves to allow both wings to have access to the bathrooms, stairs leading to second floor and basement levels, and to the parking lot. The connecting portion will have the appearance of a squat tower.

The second floor will contain two offices and the first floor hall arrangement will allow the building to be occupied by two businesses.

A basement level is provided in the tower for possible mechanical equipment and storage. The basement level also decreases the structural fill required to be imported to the site.

While the building has been designed to accommodate vehicle repairs it could also be utilized as a trade shop or other low occupancy use allowed in the Powder Mill District.

The building has been located to allow a stable transition between the flat plateau on which the parking lot is to be located and the ice contact slope.

PARKING LOT AND INFRASTRUCTURE

The building will be served by a driveway from Sudbury Road that extends through an existing parking lot to within a few feet of the site.

The driveway will be extended onto the property and connect to a parking lot with seven spaces.

The stormwater management system has been designed to collect, store, and recharge 100-year storm events, and is described in another section of this submittal.

The subsurface sewage disposal system, which will be located under the parking lot, has been designed and will be submitted to the Acton Board of Health for approval.

Electric and other cable utilities will be extended to the site from Sudbury Road.

40 Sudbury Road – Use Description
6055

A connection to the Acton Water District's water distribution system is presently being proposed, but consideration is also being given to an onsite water supply.

Floor drains will be connected to an oil, sand, and gas separator which will discharge to a holding tank. These facilities will be located under the parking lot.

Snow storage is provided to the east and south of the parking lot.

External containers for solid wastes are not proposed as the majority of solid wastes should be divided for recycling or for specialized disposal by licensed contractors. If the facility is used by another nearby vehicle repair facility, wastes will be transported to the main facility for recycling/disposal.

The proposed facility will be operated to comply with all local, state, and federal regulatory agencies and regulations pertaining to the delivery, collection, storage, use and/or disposal of Hazardous Materials or Wastes. All activities will comply with the Town of Acton's Hazardous Materials Control Bylaw.

ENVIRONS OF SITE

With the exception of a recent residential development, this section of Acton can best be described as being commercial in nature. The residential development is over 500 feet from the site and is buffered by commercial buildings.

The apartment complex presently under construction in Concord replaces a former industrial use and is bordered on the north and east by commercial uses.

Sudbury Road is an all-weather Town-Maintained Road providing a direct connection to Powder Mill Road [State Route 62] and, by town-maintained roads through Maynard and Sudbury, to State Route 117 about 1.2 miles away.

40 SUDBURY ROAD

a/k/a 65 Powder Mill Road

TRAFFIC REPORT

A review of the Institute of Transportation Engineer's Trip Generation Manual indicates that the number of studies related to car repair facilities is too small to provide a statistically accurate estimate of trip generation rates. The size of the facility places below the range of facilities considered by the Trip Generation Manual.

The proposed facility does not contain a waiting room and it is expected to be utilized as an adjunct facility for vehicles requiring extended service periods, or as a stand-alone facility for such uses, including classic car restorations.

The building has been designed so that it can be occupied by two separate entities by providing two offices on the second floor of the "tower section". The offices are not accessible by handicapped persons and therefore are not open to the public.

Access to the site is provided by an easement through a parking lot that serves the building at 30 Sudbury Road.

Given the size of the building and the lack of facilities for public use it is expected that if used as a facility for vehicle services, vehicle trip ends will be limited to between 20 and 40 per day.

While the building has been designed for vehicle services, it could be used for a trade shop. The lack of public access will limit site traffic to that by employees, and it is expected that for this use vehicle trip ends will also be in the 20 to 40 per day range. The use of the building by two entities is expected to result in vehicle trip ends being between 30 and 40 per day.

In the 20 to 40 vehicle trip ends per day range it is not expected that two vehicles will be entering or exiting the site during the same period, and it should be expected that 5 to 10 vehicle trip ends will occur during the peak morning or evening hours.

Suitable sight distances are available at the exiting entrance from the parking lot onto Sudbury Road, and the ongoing improvements to Sudbury and Powder Mill Road should improve the site accessibility.

Seven exterior parking spaces are provided along with the four spaces provided inside the building, for a total of eleven spaces.

Zoning Bylaw 6.3.1.15 requires that for a vehicle repair/body shop, two parking spaces plus three parking spaces for each service bay be provided, for a total of fourteen spaces being required. In the Powder Mill District, Bylaw 6.9.1.4 provides for a 70 percent reduction, decreasing the number of required spaces to ten.

40 SUDBURY ROAD

a/k/a 65 Powder Mill Road

EARTHWORKS CALCULATIONS

Alterations at this site have been designed to limit disturbances to the ice contact slopes, and so that excavations not related to the structures occur on the flat plateau.

Ice contact slopes were created when glacial meltwaters deposited coarse materials in ice-blocked basins. The steep ice contact slopes resulted when the shear wall of ice melted and the coarse material slumped to its angle of repose [the maximum angle in which coarse non-cohesive soils are stable].

Topsoil [loam] will be retained for use in the stabilization of landscape areas.

The locations of the building along with its shape have been designed to:

- Limit excavations and need for fill
- Provide a barrier between human activities and the ice contact slopes
- Allow for separation of recharge facilities

Approximately 260 cubic yards of earthen materials that are unsuitable for structural fill will be required to be removed from the site.

The building will require fill to be placed within the foundation walls of both garages, whereas the provision of a basement in the "tower section" was chosen to decrease the need to import additional fill to the site beyond that required for the garage sections.

Crushed stone will be required to be imported for the recharge works, septic system, and building footing foundations.

Other materials including pavement and concrete will be required to be imported to the site.

As shown by the enclosed calculations, the volume of materials to be transported to and from the site is not substantial and should not result in substantial traffic.



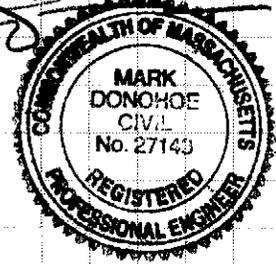
Acton Survey &
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(978) 263-3666 Fax (978) 635-0218
Email: actonsurvey@verizon.net

JOB 40 SUGAR RD 6055
SHEET NO. 1 OF 1
CALCULATED BY MJD DATE 6/28/11
CHECKED BY _____ DATE _____
SCALE _____

EARTHWORKS CALCULATIONS

TOP SOIL TO BE RETAINED ON SITE
 $7000 SF \times 0.25' / 27 = \underline{65 YARDS}$



UNSUITABLE MATERIAL SUBSOIL/ROOTS - B HORIZ
SAT 1'
 $7000 SF \times 1' / 27 = \underline{260 CY \text{ EXPORT}}$

STRUCTURAL FILL

WEST CANAL $832 \times 3 / 27 = 95 CY \text{ IMPORT}$
EAST CANAL $832 \times 4 / 27 = 120 CY \text{ IMPORT}$
TOWER $28 \times 3 / 27 = \underline{45 CY \text{ EXPORT}}$

TOTAL IMPORT 175 CY

STONE

FOUNDATION $272 LF \times 2 \times 1 / 27 = 20 CY$
SAS $2 \times 10 CY$
RECHARGE $720 \times 2 / 27 = \underline{60 CY}$

TOTAL IMPORT 90 CY

GRAVEL SUBBASE

$2500 SF \times 1' / 27$ IMPORT 95 CY

TOTAL IMPORT 355 CY - 260 CY = 95 CY

40 SUDBURY ROAD

a/k/a 65 Powder Mill Road

WATER BALANCE CALCULATIONS

Except under frozen ground conditions, runoff from the portion of the site to be developed does not occur for most storm events.

As demonstrated by the stormwater management calculations, runoff from impervious areas will be collected, stored, and recharged for events up to and including the 100-year storm.

The proposed area of the site required for the project occupies less than 5 percent of the site, and the capacity of the remainder of the site to maintain the existing hydrologic balance will remain undiminished.

By inspection, the site's water balance will be unchanged.

40 SUDBURY ROAD

a/k/a 65 Powder Mill Road

STORMWATER MANAGEMENT

As shown by the enclosed calculations, the proposed stormwater management system has been designed to store and recharge stormwater runoff from short and long duration storms, including those generated by 100-year events.

Runoff from the roofs will be collected by oversized gutters and carried to recharge systems located at the ends of each building.

The parking lot will be partially paved with porous bituminous concrete, however the calculations assume that all pavements are impervious.

The placement of the building and the grading of the parking lot will result in flows being directed to an open throat catch basin [inlet box] located in the eastern corner of the parking lot. The catch basin contains a polypropylene baffle to allow the separation and containment of floating substances, including petroleum products.

The catch basin structure also contains outlets set with differential elevations to cause the first inch of runoff to be diverted to an open concrete structure, and for excess flows to discharge directly to a stone recharge area. The open concrete structure contains a soil mixture of the permeability required by the Zoning Bylaw to allow recharge to occur over a three day period to optimize the evaporation of volatile materials.

A four foot sump is provided in the catch basin to retain solid materials being carried by runoff.

The recharge areas at each end of the building are interconnected by a buried pipe located along the front face of the building.

Crushed stone has been placed along rear portions of the building to provide redundancy.



Acton Survey &
Engineering, Inc.

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JOB 40 SUDBURY RD 6055
SHEET NO. 1 OF 3
CALCULATED BY M70 DATE 6-02-11
CHECKED BY _____ DATE _____
SCALE _____



STORMWATER MANAGEMENT

ACTION CRITERIA:

SUBDIVISION REGULATIONS

8.2.2.4 RATIONAL FORMULA

8.2.3 10 YR PEAK RATE SHALL
NOT BE EXCEEDED

ZONING

4.3.6.2 NO REDUCTION IN RECHARGE

4.3.6.3 TREAT FIRST 1" OF RUNOFF

RUNOFF - 24 HOUR STORM

POROUS PAVEMENT IS TO BE USED EXCEPT FOR
10 FEET OF PAVEMENT - UNDER ENGINES -
ALONG SW PROPERTY LINE & SAS

TO BE CONSERVATIVE ASSUME ROOFS AND
POROUS PAVEMENT ARE COMPLETELY IMPERVIOUS
OR C = 1.0 NOT 0.9 AS TABULATED IN REFERENCE
SITED IN 8.2.2.4

RUNOFF FROM 4700 SF OF IMPERVIOUS AREA

YR	24 HR RAINFALL	RUNOFF
5	4.0"	1568
10	4.5	1764
25	5.3	2078
50	5.9	2313
100	6.5	2548

RECHARGE VOLUME PROVIDED BY DESIGN

PER DEP CRITERIA FOR SAND 8.27ⁱⁿ/HR - 0.69ⁱⁿ/HR



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JOB 40 SUDBURY RD 6055

SHEET NO. 2 OF 3

CALCULATED BY MTD DATE 8-2-11

CHECKED BY _____ DATE _____

SCALE _____

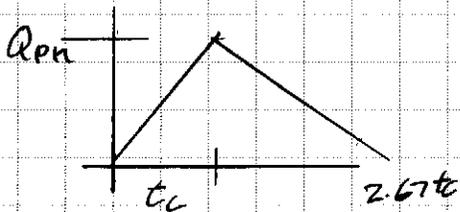
RECHARGE AREAS PROVIDED $2 @ 3505F = 7005F$

RECHARGE VOLUME $700 \times 0.69 \times 24 = 11592CF$

RECHARGE PROVIDED IS 4X CAPACITY
REQUIRES FOR 10YR 24HR DURATION
STORM

VOLUME OF PEAK EVENT

USE SCS UNIT HYDROGRAPH



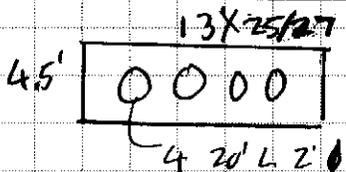
VOLUME OF HYDROGRAPH IS
VOLUME OF DRINK RUNOFF

QPK PER RATIONAL FORMULA
8.2.24 $Q_{pk} = A_i C$

USE $t_L = 10 \text{ MIN}$ AND $C = 1.0 \text{ TO } 0.9$
AREA OF IMPERVIOUS = 0.11 AK

YR	$C_{10 \text{ MIN}}$	Q_{pk}	V_{pk}
5	4.0" / HR	0.44	352
10	4.5	0.5	410
25	5.4	0.6	480
50	6.2	0.68	549
100	6.5	0.72	576

STORAGE CAPACITY IF RECHARGE WORKS



PIPE $4 \times 20 \times \pi = 250 CF$
STORAGE $(13 \times 26 \times 45 - 250) 0.4 = 508$
VOID RATIO

NOTE WREST SYSTEM
SIT 6" LOWER
LESS CAPACITY

2 SYSTEMS @ $250 + 508 = 1516 CF$



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JOB 40 SUDBURY RD 6055
SHEET NO. 3 OF 3
CALCULATED BY MTO DATE 6-2-11
CHECKED BY _____ DATE _____
SCALE _____

STORAGE CAPACITY EXCEEDS VOLUME
OF 100 PEAK EVENT BY FACTOR OF

$$1516/576 = 2.6$$

$$100\% \text{ PEAK EVENT } 1516/40 = 3.7$$

STORAGE & RECHARGE VOLUMES ARE ADEQUATE
TO RETAIN ALL RUNOFF FROM POSSIBLE
IMPERVIOUS OR ARTIFICIAL SURFACES ON SITE

VOLUME OF RUNOFF REQ'D TO BE STORED
PER EBL 4.3.63

ADDS PAVEMENT $C < 0.7$ ROOF RUNOFF IS NOT
REQUIRED TO BE TREATED

AREA OF STANDARD BIT CONC = 1300 SF

$$1300 \times \frac{1}{12} = 110 \text{ CF}$$

$$\text{AREA OF SAND FILTER} = 11.75 \times 6.8 \\ = 80 \text{ SF}$$

$$\text{REQUIRED STORAGE DEPTH} = 110/80 = 1.375'$$

WITH DISCHARGE TO RECHARGE @ 210.5

$$\text{TOP OF STONE } 210.5 - 1.375 = \text{SAY } 209.0$$

NOTE: TREATMENT OF 1ST INCH IS PROVIDED
BY BAFFLE IN INLET WORKS

40 SUDBURY ROAD

a/k/a 65 Powder Mill Road

REQUIRED PERMITS AND VARIANCES

The statuses of permits, approvals or variances associated with the development of land in Acton are identified below:

STATE & FEDERAL

No permits identified as being required

TOWN OF ACTON

Site Plan Special Permit – Board of Selectmen – purpose of this submission

Sewage Disposal System – Board of Health – to be applied for

Floor Drain Holding Tank – Board of Health – to be applied for

Notice of Intent under Wetlands – Conservation Commission – not required
Protection Act and Bylaw no alterations within jurisdictional areas

Building and Related Permits – Building Department – to be applied for

Zoning Bylaw Variances – Zoning Board of Appeals – none required
Decision 98-22 is attached

Flood Plain Special Permit – Zoning Board of Appeals – not required.

Sign Permit – Building Department – signage unknown at this time
Directory Sign allowed by 7.5.4

This list shall be considered as being incomplete and shall not relieve the applicant or contractor from obtaining all necessary permits and maintaining them current and enforce as required.

40 SUDBURY ROAD
a/k/a 65 Powder Mill Road

RECORDED PLANS

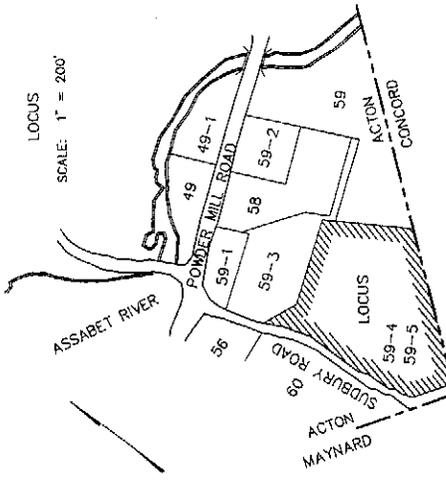
Acton Survey & Engineering, Inc. performed a search of the Registry of Deeds utilizing the Internet and found that the following plans to be the most current for the site:

Plan 819 of 1998 Book 28916, page 310

Plan 820 of 1998 Book 28916, page 311

Copies of these plans are included in this submission

LOCUS
SCALE: 1" = 200'



I CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

John R. Hamel
JOHN R. HAMEL, P.L.S.
DATE: 6/19/98

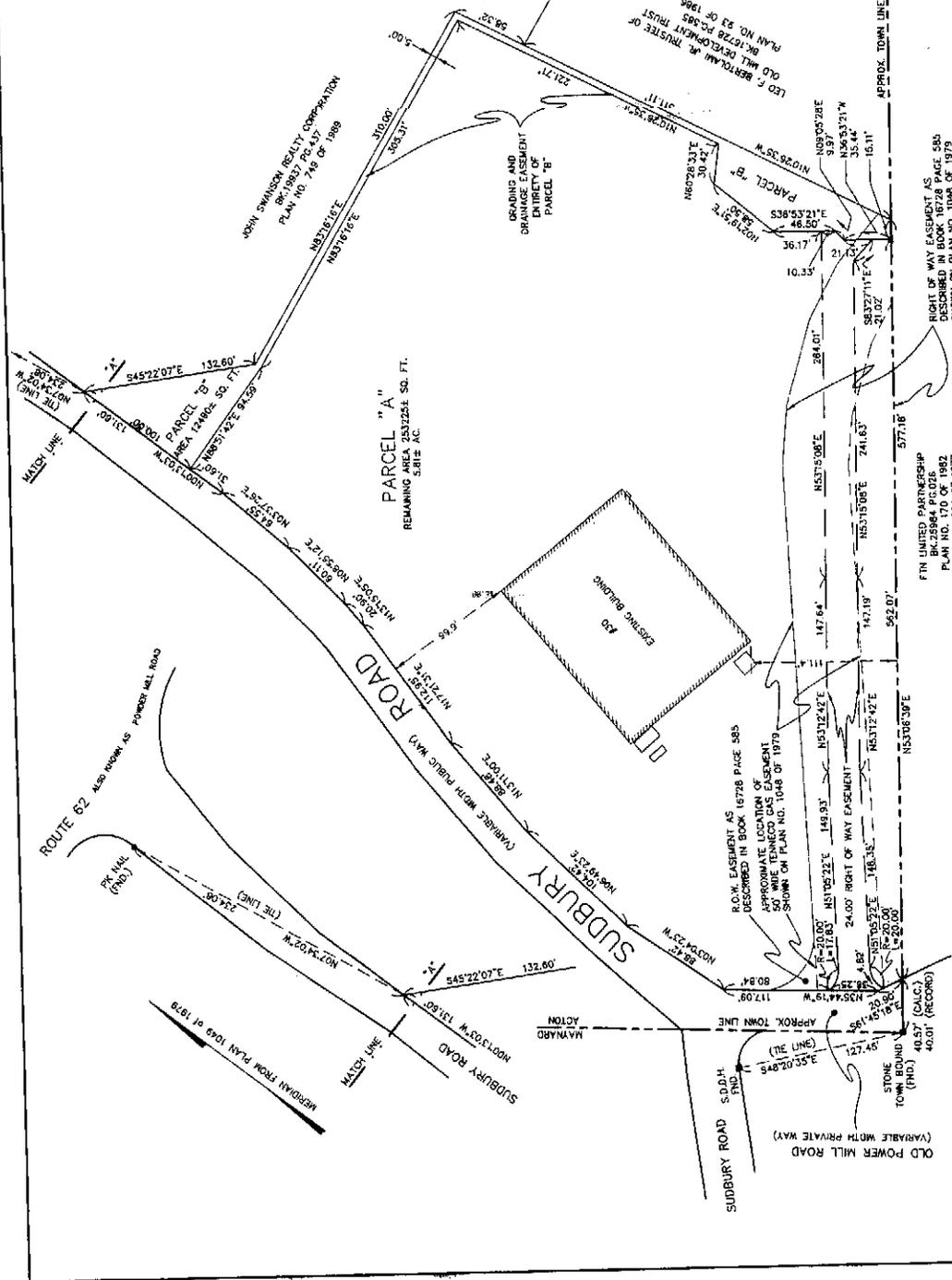


PLAN OF LAND

ACTON, MASSACHUSETTS
Prepared For:
ACTON REALTY TRUST
300 WOODBURY SQUARE, SUITE 100
CONCORD, MASSACHUSETTS 01742

Goldsmith, Priest & Ruggell, Inc.
CITY & PLANNING ENGINEERING
100 STATE STREET, SUITE 200
CONCORD, MASSACHUSETTS 01742
TEL: (978) 772-1091 FAX: (978) 772-1091

or construction with
Shelling & Hamel Associates
100 STATE STREET, SUITE 200
CONCORD, MASSACHUSETTS 01742
TEL: (978) 772-1091 FAX: (978) 772-1091



NOTE:
PARCEL "B" IS NOT A BUILDING LOT.
PARCEL "B" IS INTENDED TO BE CONNECTED TO THE
ADJACENT OLD MILL DEVELOPMENT TRUST.
450 SUDBURY ROAD IS SUBJECT TO BOARD OF
APPEALS DECISIONS, 80-38 AND 80-39 IN THE YEAR
OF 1980.
PARCELS A & B ARE WITHIN ESCROW/WATER
PROTECTION DISTRICT ZONE 3.

**RIGHT OF WAY EASEMENT AS
DESCRIBED IN BOOK 16728 PAGE 585
SHOWN ON PLAN NO. 1048 OF 1979**

**FTN UNITED PARTNERSHIP
BK 23984 PG 026
PLAN NO. 170 OF 1982**

PLAN NO. 504 OF 1977

GENERAL INDUSTRIAL

ASSESSORS REFERENCE: MAP J-3
PARCEL 89-4 AND 89-5

RECORD OWNER: ACTON REALTY TRUST

DEED REFERENCE: BK 24381 PG 247

PLAN REFERENCES: PLAN NO. 1048 OF 1979
PLAN TITLED: DEFINITIVE SUBDIVISION PLAN, LOT LAYOUT,
WESTSIDE WILLOW HILL, SCALE: 1"=40', SHEET 1 OF 4,
FEBRUARY 5, 1998. PREPARED BY: DAVID W. PERLEY,
CIVIL ENGINEERS, 140 COMMERCIAL ROAD, CONCORD, MASS. 01742

GRAPHIC SCALE
1"=40'

0 20 40 60 80 100 120 140 160 180
FEET
0 5 10 20 30 40 50
METERS

RESERVED FOR REGISTRY USE

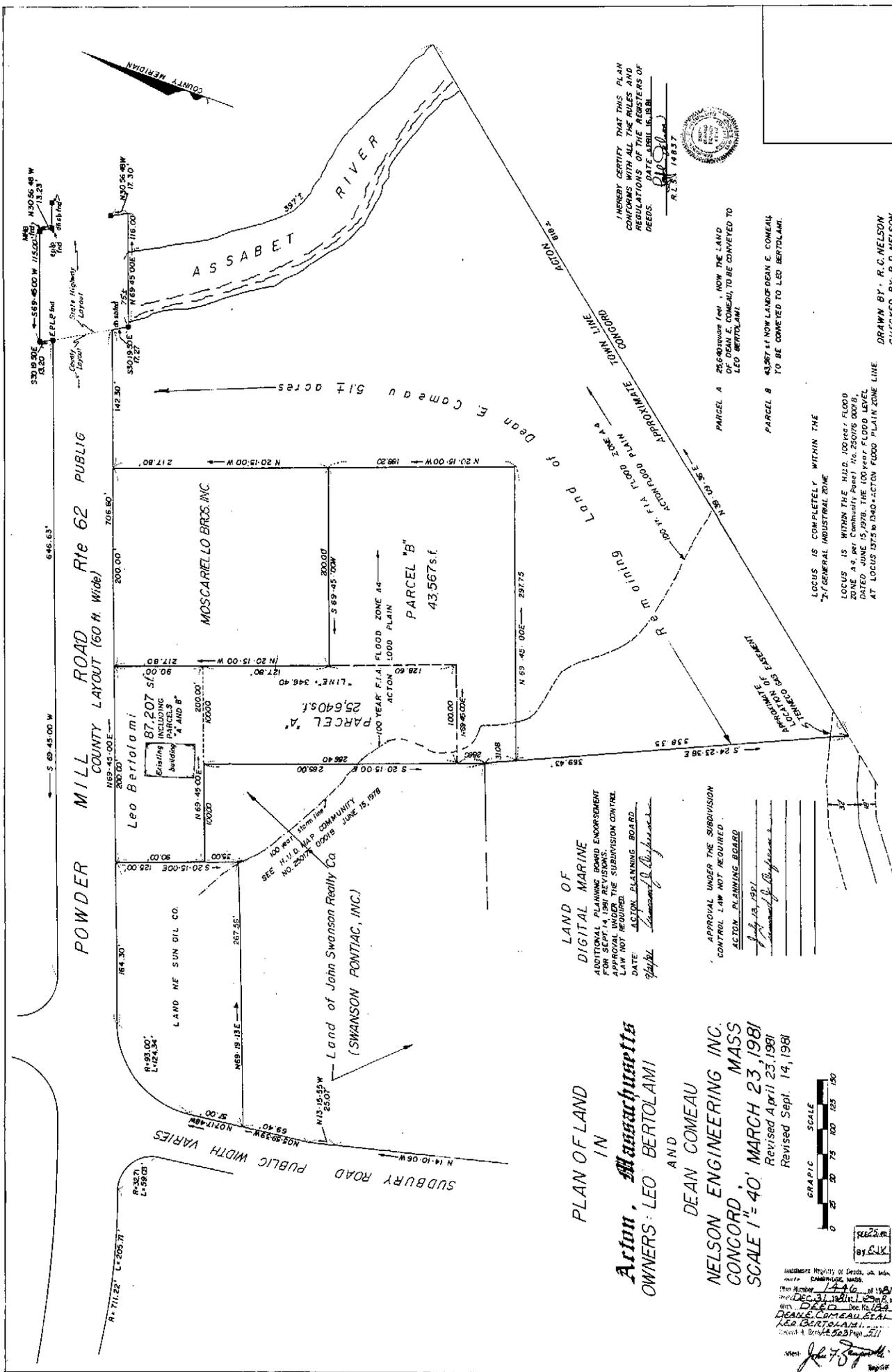
APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
ACTON PLANNING BOARD

Cambridge Massachusetts
Southern District
Plan No. 819 of 1998
Rec'd 6-19-98 at 11:15
REGISTRY OF DEEDS
Rec'd, BUREAU, Page 310

Attest: *[Signature]*
Register

DATE: June 19, 1998

819



PLAN OF LAND
IN
Acton, Massachusetts
AND
DEAN COMEAU
NELSON ENGINEERING INC.
CONCORD, MASS
SCALE 1" = 40', MARCH 23, 1981
Revised April 23, 1981
Revised Sept. 14, 1981

LAND OF
DIGITAL MARINE
ADDITIONAL PLANNING BOARD ENCOURAGEMENT
FOR SCHEMATA REVISIONS
APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED
DATE: ACTION PLANNING BOARD
[Signature]

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED
ACTION PLANNING BOARD
[Signature]



Prepared by
[Signature]

Massachusetts Registry of Deeds, with
office Cambridge, Mass.
Plan Number 1446
Date of Plan 12/23/80
Date of Deed 03/23/81
Deed Book 1022
Deed Page 122
Leo Bertolami
Deed # B-15037 page 211

I HEREBY CERTIFY THAT THIS PLAN
COMPLIES WITH THE
REGULATIONS OF THE REGISTERARS OF
DEEDS. DATE LABEL IN B.B.
[Signature]
ALSA 14837

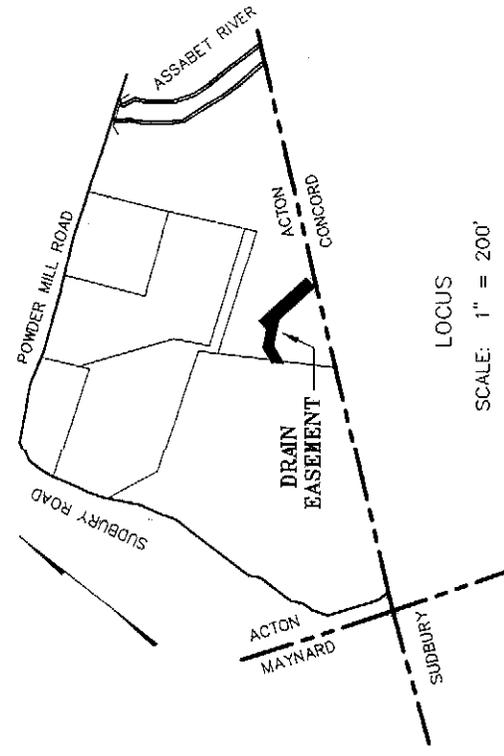


PARCEL A
25,640 square feet, NOW THE LAND
OF LEO BERTOLAMI

PARCEL B
43,567 s.f. NOW LAND OF DEAN E. COMEAU
TO BE CONVEYED TO LEO BERTOLAMI.

LOCUS IS COMPLETELY WITHIN THE
2-1 GENERAL INDUSTRIAL ZONE
LOCUS IS WITHIN THE H.L.D. 100 YEAR FLOOD
ZONE A4 (per Community Paper No. 250176 00015,
DATED JUNE 15, 1978, THE 100 YEAR FLOOD LEVEL
AT LOCUS 1575 IS 890'-ACTON 1000' PLAIN ZONE LINE

DRAWN BY: R.C. NELSON
CHECKED BY: R.D. NELSON



LOCUS
SCALE: 1" = 200'

EXHIBIT "A"
EASEMENT PLAN
IN
ACTON, MASSACHUSETTS
Prepared For:
ACTON REALTY TRUST
30 MONUMENT SQUARE, SUITE 125
CONCORD, MASSACHUSETTS 01742

Goldsmith, Prest & Ringwall, Inc.
CIVIL & STRUCTURAL ENGINEERING
LAND PLANNING
257 AYER RD. BARYARD, MA 01451
(978) 772-1590 (978) 772-1591 FAX

IN CONJUNCTION WITH
Snelling & Hamel Associates
Professional Land Surveyors
10 Lewis Street P.O. Box 102
Lincoln, Massachusetts 01773
(781) 259-0071 (781) 259-8327 FAX

Drawn By: LJB Scale: As Shown Date: JULY 23, 1998
Checked By: JRH Plan #9724: DRAIN-EN Sheet 1 of 1

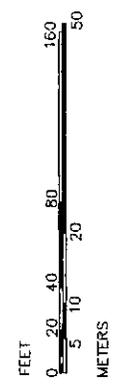
I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS OR RIGHTS OF WAY ARE THOSE ESTABLISHED OR PROPOSED BY THE RECORDS PUBLISHED AND THAT NO NEW LINES FOR DIVISIONS OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

THE ABOVE CERTIFICATION IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF AND IS INTENDED TO MEET THE REQUIREMENTS OF THE MASSACHUSETTS REGISTRY OF DEEDS RECORDING REQUIREMENTS. IT IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF THE CONTIGUOUS PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF ACTON ASSESSOR'S RECORDS.

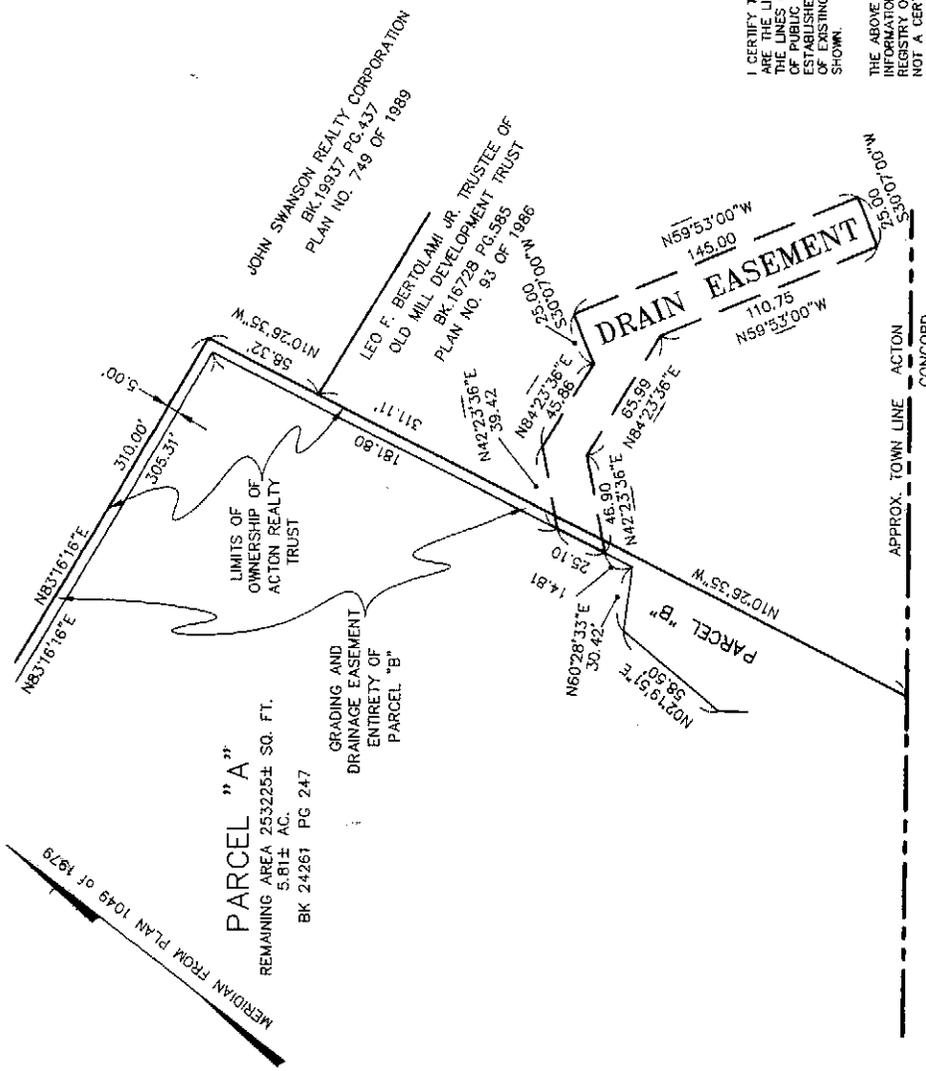
I FURTHER CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

John R. Hamel
JOHN R. HAMEL, P.L.S. DATE: 7/23/98

GRAPHIC SCALE
1" = 40'



NOTE:
PARCELS "A" AND "B" ARE CURRENTLY LAND OF THE ACTON TOWN PLANNING BOARD. THIS PLAN WAS PREPARED BY THE SAME PREPARER DATED MARCH 1998, SIGNED BY THE ACTON PLANNING BOARD ON JUNE 19, 1998, AND IS INTENDED TO BE RECORDED HEREWITH.



FTN LIMITED PARTNERSHIP
BK 25884 PG 026
PLAN NO. 170 OF 1982
PLAN NO. 504 OF 1977

RESERVED FOR REGISTRY USE
Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 820 of 1998
Rec'd 8-3-1998
at 8:47 AM Doc No. 153
Rec'd, Bk. 28916, Page 377

Attest
James L. Brown
Register

820

40 SUDBURY ROAD
a/k/a 65 Powder Mill Road

STATEMENT OF STATUS OF BACK TAXES

Our client has informed us that all taxes associated with this property are current.

#####

Amended DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Old Mill Development Trust (hereinafter the Petitioner) for the property located at 61 Powdermill Road, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map J-3 Parcels 58 and 59.

This Amended Decision is in response to an application submitted to the Board on September 18, 2003 by the Petitioner for an amendment of the Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct a new 6,120 square foot building consisting of three levels. The basement level will be storage, the second level will be a three bay garage and the upper level will be an apartment.

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 November 17, 2003 at 7:10 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. The hearing was continued to December 15, 2003 at 7:15 P.M. at which time the hearing was closed. Board members Walter Foster, F. Dore' Hunter, Peter Ashton, William Shupert III 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 September 18, 2003; a booklet containing a certified abutters list, USE description, drainage calculations, water balance calculations, other permits, letters from Acton Survey and Engineering dated November 5, 14, 17, 19, December 2, 4, 5, 2003, previous site plan decision #01/06/99-368, Board of Appeals Decision #98-22; a report from GeoTesting Express dated 12/08/03; a eight sheet set of Site Plan Drawings dated September 18 revised November 13, 2003; building plans dated March 30, 2003; Subsurface Sewage Disposal Plans revised 11/13/03; Retaining Wall Plans dated 12/11/03, and two sets of record plans.

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 November 13, December 9, 2003
2. Town Planner dated October 23, December 9, 2003
3. Fire Chief dated October 31, 2003
4. Municipal Properties Director dated October 29, 2003
5. Engineering Administrator dated October 23, 2003
6. Health Agent dated September 29, 2003
7. Transportation Advisory Committee dated October 23, 2003
8. Recreation Director dated September 23, 2003
9. Water District dated September 29, 2003

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 the Powder Mill Zoning District and Zone 3 of the Groundwater Protection District and the USE is allowed in both Districts.
- 1.2 This is an amendment of Site Plan Special Permit #01/06/99-368. Site Plan Special Permit #01/06/99-368 remains in full force and effect except as herein amended.
- 1.3 The Zoning Bylaw requires the site include a sidewalk along the entire frontage. As part of the original decision the Applicant constructed a sidewalk along the frontage of the lot located in front of the dealership. The Applicant also funded the sidewalk constructed by the Town along the site frontage adjacent to the canoe landing on Powder Mill Road. There is an additional section of site frontage along Sudbury Road. The length of frontage is 100 feet. The Board finds that additional sidewalks in the Powder Mill District along Sudbury Road will help provide for the safe movement of pedestrians and bicyclists.
- 1.4 Bylaw section 4.3.6.2 provides a design standard for the treatment and renovation of runoff. The Bylaw also provides for the Special Permit Granting Authority to approve alternate methods of runoff treatment and renovation if it determines the intent is met. The Applicant proposes to use an alternate method of "Stormceptors". The Board finds the use of stormceptors is acceptable if not used as an inlet structure but used as an in-line structure. The Board also finds that monitoring of performance should be done on a minimum of yearly for three years.
- 1.5 The proposed building is located on a steep incline. The building located on the incline will need to be supported by retaining walls. The retaining walls have now been designed. The Plan shall be modified to show all revisions.
- 1.6 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 5 to 0 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 so that all sheets are consistent.
- 2.2 The drainage plan shall be revised to show the stormceptors as an inline structure.

3.0 Conditions

- 3.1 The Applicant shall either provide a sidewalk along the frontage on Sudbury Road or provide a gift towards sidewalks equal to \$30. /ft of frontage, 100' x \$30 = \$3,000.
- 3.2 The Applicant shall contract with a service company to clean the stormceptors on a minimum of once a year. The Applicant shall notify the Board of Health and Building Department of the scheduled cleaning so they are given an opportunity to witness the cleaning.
- 3.3 Prior to occupancy or use of the new building, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.
- 3.4 All vehicles shall be parked on paved areas and as designated on the approved plan.

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 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.

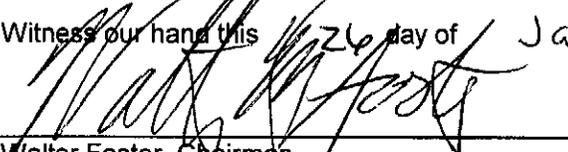
#####

- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 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 January 5, 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. The Board reserves the right to amend the permit by its own or at the request of the applicant with or without a new hearing.

5.0 **Appeals**

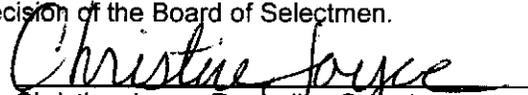
Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this 26 day of Jan, 2004



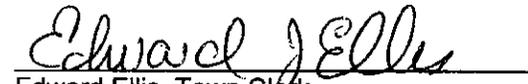
Walter Foster, Chairman

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



Christine Joyce, Recording Secretary

February 4, 2004
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 Old Mill Development Trust has 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

#####

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Old Mill Development Trust (hereinafter the Petitioner) for the property located at 61 Powdermill Road, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map J-3 Parcels 58 and 59.

This Decision is in response to an application submitted to the Board on January 6, 1999 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct an addition to the existing building and a new 6,750 square foot building.

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 March 2, 1999 at 7:45 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. The hearing was continued to March 16 at 8:45 and again to March 30 at 8:05 and at that time the hearing was closed. Board members F. Dore' Hunter, Wayne L. Friedrichs, Herman Kabakoff, Nancy E. Tavernier (Selectmen Tavernier did not vote on the decision) and Peter Ashton 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 January 06, 1999; a booklet containing a certified abutters list, USE description, other permits, A letter from Acton Survey and Engineering dated November 5, 1998, previous site plan decisions, recorded plans, drainage calculations, water balance calculations; flood plain calculations; a Special Permit Site Plan dated January, 1999 revised March 5, 1999; two detail plans dated January, 1999; A landscape plan dated January 1999 and a set of building plans.

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 March 26, 1999
2. Town Planner dated February 3, 1999
3. Fire Chief dated February 5, 1999
4. Municipal Properties Director dated January 8, 1999
5. Engineering Administrator dated January 21, 1999
6. Health Director dated January 14, 1999

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 General Industrial and General Business Zoning District and Zone 3 of the Groundwater Protection District and the USE is allowed in both the General Industrial Zoning District and Zone 3.

#####

- 1.2 The Engineering Department recommends the following changes be made to the plan.
 - A detail will be needed for the sidewalk along Powdermill Road. The detail should include 3" processed gravel along with 6" bank-run gravel, with a maximum cross-slope of 3/16" and indicate the material of the sidewalk.
 - The Petitioner should provide a typical detail for a curb ramp 521 CMR.
 - The Petitioner should include a plan to show the locations of the various cross-sections that were submitted with the floodplain calculations. The Petitioner should use labels, colors or line-types to differentiate between the lines for the floodplain surface and pre and post development surfaces in the cross-sections.
 - On the Eastern end of the existing 44-car parking lot, the Petitioner proposes to construct a concrete swell. Currently, this area is subject to erosion from parking lot runoff. It is recommended the Petitioner provide a detail including a berm, size of rip rap stone, 12" of compacted under the swell, and a guard rail.
The Board agrees the plan should be revised to reflect these changes.
- 1.3 The Zoning Bylaw requires the site include a sidewalk along the entire frontage. The town is proposing to construct a sidewalk in conjunction with the new traffic signal at the intersection of High Street and Powdermill Road. The sidewalk would be along a portion of Powdermill Road immediately West of the Assabet River that provides frontage for the Petitioner. The applicant has agreed that if the town builds the sidewalk he will provide a gift equal to \$30/ft for such sidewalk.
- 1.4 The landscaping plan is not stamped by a landscape architect. The regulations require the plan be so endorsed. The landscape plan should be corrected to indicate the type of vegetative cover being used for disturbed areas.
- 1.5 The plans do not provide for a dumpster. The plans should be revised to show a dumpster with an enclosure.
- 1.6 The building proposed, with access from Sudbury Road, is located on a steep incline. The building located on the incline will need to be supported by retaining walls. The retaining walls have not been designed. The retaining walls will impact the drainage, septic, building location, and landscaping. When the walls are designed and site design completed the applicant shall submit the plan for Board approval.
- 1.7 The site is subject to three previous Site Plan Special Permits #11/03/81-213, #10/19/84-250 and #11/16/87-291. This decision is intended to supercede the previous decisions.
- 1.8 A canoe launch is shown on the plan. The launch is not to be considered a requirement of this decision.
- 1.9 The Zoning Board of Appeals granted a Variance to allow filling in excess of 2% of the flood plain. They also granted a variance to allow Developable Site Area from two different zoning districts.

#####

1.10 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 4 to 0 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
- (a) Show a sidewalk detail including 3" processed gravel along with 6" bank-run gravel max 3/16" cross-slope along with sidewalk material.
 - (b) The landscape plan should have the seal of a Registered Professional Landscape Architect.
 - (c) Provide for an enclosed dumpster.
 - (d) Show a detail for a curb ramp CMR 521.
 - (e) Indicate locations for various cross-sections submitted with floodplain calculations.
 - (f) Provide a detail including a berm, size of riprap stone, 12" of compacted gravel under the swell and a guardrail.

3.0 **Conditions**

- 3.1 The Applicant has agreed to either provide a sidewalk along the frontage West of the Assabet River or provide a gift towards sidewalks equal to \$30. /ft along such frontage if the sidewalk has been constructed prior to the building permit being issued.

#####

- 3.2 The building with access from Sudbury Road shall not be constructed until such time as the Board has reviewed a revised plan for the area.
- 3.3 Prior to occupancy or use of the new building, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.
- 3.4 All vehicles shall be parked on paved areas and as designated on the approved plan.

4.0 Limitations

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

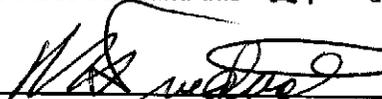
- 4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested 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 13, 2001 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 applicant with or without a new hearing.

#####

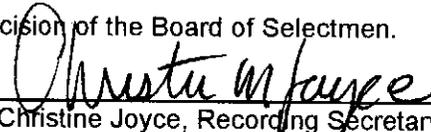
5.0 **Appeals**

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.

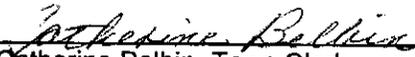
Witness our hand this 27 day of April, 1999


Wayne Friedrichs, Chairman

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


Christine Joyce, Recording Secretary

April 28, 1999
Date filed with Town Clerk


Catherine Belbin, Town Clerk

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

_____ Date

_____ Catherine Belbin, 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



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED
DATE January 7, 1998
Kathie M. Bivard
TOWN CLERK, ACTON

Decision on the Petition by
Ian Rubin for Leo Bertolami, for two Variances for Properties at 61 & 65 Powdermill Rd.

Decision 98-22

A public hearing of the Acton Board of Appeals was held in Room 126 of Town Hall, Acton, Massachusetts, on Monday, December 7, 1998 at 7:30 p.m. on the petition by Ian Rubin for **Variances** from Sections 4.1.8.1 and 10.4.3.7 of the Zoning Bylaw. The requested **Variances** would: 1) allow the construction within the Flood Plain, where flood storage volume is reduced to 96.66%, rather than the 98% permitted by 4.1.8.1 with Special Permit; 2) limit the Floor Area Ratio of the proposed development to the required 0.2 by calculating the developable site area through transferring development rights from 65 Powdermill Road (Lot 59) to 61 Powdermill Road (Lot 58).

Present at the hearing were Nicholas Miller, Chairman; Peter Berry, Clerk; Cara Voutselas, Alternate; Gary Rhodes, Building Commissioner; and Cheryl Frazier, Board of Appeals Secretary. Also present were the Petitioner, Ian Rubin; Carlos Furiura, Acton Survey; Leo Bertolami, Owner; Jerry and Jean Moscariello, Moscariello Equipment.

Nicholas Miller opened the hearing, explained the procedure, read the file contents, and asked the petitioner to begin.

The proposed project is for expansion of the structures at 61 Powdermill Road to provide additional space for a car dealership. This expansion requires some filling of the flood plain, and results in increased floor area. This expansion results in filling more of the flood plain of Lot 58 than that permitted by Section 4.1.8.1 with Special Permit, and in a floor area ration (FAR) for Lot 58 exceeding the maximum permitted of 0.2 as calculated in accordance with Section 10.4.3.7.

After reviewing the materials and information provided, the Board of Appeals finds that:

- (1) Lots at 61 and 65 Powdermill Road are currently under common ownership.
- (2) The owner agrees to treat both lots together as one for purposes of calculation of developable site area and for calculation of flood plain storage.
- (3) Treating both lots as one is similar in philosophy to the Town's policy of Transfer of Development Rights used to permit reasonable development in one area while simultaneously limiting development in another area.
- (4) Treating both lots as one will reduce the total filling of flood plain and the total FAR that would be possible without variance if the lots were considered separately.
- (5) Though the two lots currently lie in different zoning districts (General Business for 61 Powdermill Road, General Industrial for 65 Powdermill Road), the Town Planner anticipates that these two parcels "will quite possibly be merged into the same district" as part of the Master Plan Update effort to consolidate the current patchwork of zoning districts in this area of town.

- (6) Lot 58, 61 Powdermill Road, appears more suitable for development than does Lot 59, 65 Powdermill Road.

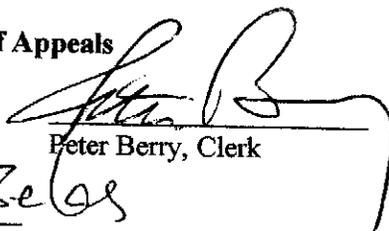
The Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to GRANT the requested two VARIANCES with the conditions that:

- 1) Lot 58 (61 Powdermill Road) and Lot 59 (65 Powdermill Road) be treated in perpetuity, regardless of ownership, as one lot for all applications of the Zoning By-Law.
- 2) The proposed new construction or substantial improvements conform with the findings required by Section 4.1.8.1, c) through g);
- 3) The requirements of Section 4.1.9 be met prior to issuance of a building permit.

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

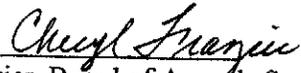
Town of Acton Board of Appeals


Nicholas P. Miller, Chairman


Peter Berry, Clerk


Cara Voutselas, Alternate

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on Jan. 7, 1999.


Cheryl Frazier, Board of Appeals Secretary

Effective Date of Variance: No variance or any modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in the Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed it has been dismissed or denied.

In accordance with G.L. c. 40A, Section 10, if the rights granted by this variance are not exercised within one year from its date. The variance will lapse. You may apply for a six-month extension of your rights under this variance by filing a written application for an extension, before the expiration of the one-year period.

DATE December 10, 1998

Kathie M. Quard
TOWN CLERK, ACTON

**MINUTES OF THE HEARING ON THE PETITION BY
IAN RUBIN, FOR LEO BERTOLAMI 61 & 65 POWDERMILL RD.**

HEARING # 98-22

A public hearing of the Acton Board of Appeals was held in the Town Hall on the petition for a **VARIANCE** from Sections 4.1.8.1 and 10.4.3.7 of the Zoning Bylaw to allow construction in the Floodplain where flood storage volume is reduced to 96.66% and calculating the developable site area by transferring development rights and using areas in two different zones located at 61 & 65 Powdermill Rd. Map J30/Parcels 58 & 59.

Nick Miller opened the hearing, read the contents of the file which included an IDC from Roland Bartl, Town Planner. Ian Rubin of Acton Survey & Engineering, made the presentation on behalf of Leo Bertolami, the owner of Powdermill Realty Trust. The applicant is requesting two Variances. One Variance is for filling of the Floodplain in excess of 98%. The flood storage volume will be reduced to 96.66% of the total volume. A second Variance would allow a floor area ratio in excess of .2 on the site identified as Map J-3/Parcel 58.

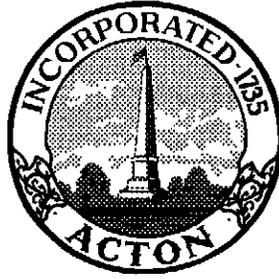
Mr Rubin indicated the property known as 61 Powdermill Road was the site of a Hazardous materials spill. As a result of that spill, in 1988 the site Floodplain had been filled in as permitted under Sections 4.1.7.6 as part of the environmental remediation. In 1988 the site consisted only of the parcel Map J-3/Parcel 58. However, today the site has been increased to include the parcel identified as Map J-3/Parcel 59 which includes an additional 25,000 cubic yards of floodplain volume. The combined parcels consist of a total volume of approximately 40,000 cubic yards. The applicant, as part of his proposal wishes to construct an addition to the existing building thereby reducing the total volume.

The second Variance relates to the method of calculating developable site area. Parcel 58 is zoned General Business. Parcel 59 is zoned General Business. Acton Zoning Bylaw Section 10.4.3.7 does not allow the developable site area within the General Industrial District to be used to support the building expansion within the General Business District.

The Board finds that Parcel 59 is a vacant lot with a flood storage volume in excess of 25,000 cubic yards. The Board recognizes that the applicant may fill 2% of the volume of such lot if developed independently of Parcel 58. The Board further finds that by combining both lots the total impact to the town would be less by considering both lots as one.

The Board finds that if both lots for the purposes of determining developable site area are combined the total development will not exceed .2. The Board further finds that Sudbury Road would be less than an ideal access for additional development and would rather see the development to access Powdermill Road as proposed by the applicant. The Board also finds that based on a recommendation from the Town Planner, future zoning changes may in fact result in both parcels being located within the same zoning district. In conclusion, the Board finds that the lots identified as Map J-3/Parcel 58 and Map J-3/Parcel 59 shall be considered for the purposes of zoning as one lot.

Based on the above findings the Board voted to **GRANT** the two Variances. Nicholas Miller to write the decision.



RECEIVED & FILED
DATE November 10, 1998

Kathie M. Divand
for TOWN CLERK, ACTON

Massachusetts

Board of Appeals

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday, December 7, 1998 at 7:30 P.M. in the TOWN HALL

on the following petition:

Hearing # 98-22

**Ian Rubin, of Acton Survey and Engineering for a VARIANCE
from Sections 4.1.8.1 and 10.4.3.7 of the Zoning Bylaw to allow
construction in the flood plain where flood storage volume is reduced
to 96.66% and calculating the developable site area by transferring
development rights and using areas in two different zones located at
61 & 65 Powdermill Road. Map J30/Parcels 58 & 59**

BOARD OF APPEALS

By

Peter Berry

Clerk