



Janet K. Adachi
Chairperson, Board of Selectmen

6/10 @ 015
TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

6/24 (5)
June 24 @ 9:15
130

May 7, 2013

Acton Beacon Legal Ad Division

Below please find a copy of a legal advertisement to appear in the Acton Beacon on May 23 and June 6, 2013.

Please send the bill to:

Peter Pippas Karate Center
452 Great Road
Acton, MA 01720
978-631-0750

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720

Very truly yours,

Christine Joyce
Town Manager's Office

Green
~~Selectman Adachi~~

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on June 10, 2013 at 7:25 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton on the application of Peter Pippas for a Use Special Permit #05/6/13-443, required under Sections 10.3 and 3.5.15 (10) of the Acton Zoning Bylaw, for a Karate Studio at 531 Main Street, Unit E, Acton, MA 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

Town of Acton

Application for a Special Permit

To The

Board of Selectmen

Please type or print your application.

Indicate the special permit/s requested. The fee for a Special Permit is \$250 unless otherwise noted.

Recreation	Nursing Home	Restaurant
Hotel, Inn or Motel	Combined Business & Dwelling	Lodge or Club
Veterinary Care	Commercial Kennel	Commercial Recreation
Commercial & Trade School	Amusement Facility	Freestanding Sign
Warehouse	Mini-Warehouse	Heating Fuel Sales/Service
Light Manufacturing	Scientific Research/Development/Production	
Reduced Parking Fee = \$100	Drive-Up Bank Fee = \$1000	Service Station Fee = \$1000

If this application is made concurrently with a site plan application, then the fee will be \$100 in all cases.

APPLICANT
Name & Address

SITE
Location and Street Address of the Property

Peter Pappas Karate Center
452 Great Rd. Acton
Telephone
978-431-0750

531 Main St
Unit E
Acton

Tax Map & Parcel Number

OWNER
Name & Address

Area of Lot ac.

Zoning District

Werner Gossels

If any other permits or site plans have been granted for the property, give the file numbers:

Telephone

508-358-7812

20
Twelve (12) completed copies of this application and supporting materials including plan sheets, if any, are required at the time of submission. A certified abutters list taken from the most recent town tax list and certified by the Town Assessor must be included with this application. At a minimum, a 1"=1200' location map must be provided with each copy of the application showing the subject site in relation to other lots, roads, and natural features. Sufficient supporting information must be provided to fully explain the purpose and plans of the applicant -- attach additional sheets and plans as necessary. The Board may require additional information as it deems necessary. Each copy of any plan sheets shall be folded so that it will fit neatly into a letter sized file folder.

April 25, 2013

To: The Town of Acton, Board of Selectman

Re: Application for Special Permit for the Peter Pippos Karate Center

Dear Selectman,

My name is Nicole Pippos. My husband, Peter Pippos and I are the owners of the Peter Pippos Karate Center. We currently operate at 452 Great Rd in Acton in a space that we have outgrown. We have been at this location for five years. We would like to relocate our business to 531 Main St. Acton, Unit E. We feel that this location will allow us to continue to grow and serve our martial arts family. Thank you for your consideration.

Nicole and Peter Pippos

Handwritten signatures of Nicole Pippos and Peter Pippos. Nicole's signature is written in a cursive style, and Peter's signature is also cursive and positioned below Nicole's.

LAINE REALTY TRUST
17 BENNETT ROAD
WAYLAND, MASS. 01778

Acton Board of Selectmen
Acton Town Hall
472 Main Street
Acton, Massachusetts 01720

April 25, 2013

RE: Lease to Peter Pippos Karate Center at 3 Post Office Square, Acton, MA 01720

Dear Selectmen of Acton,

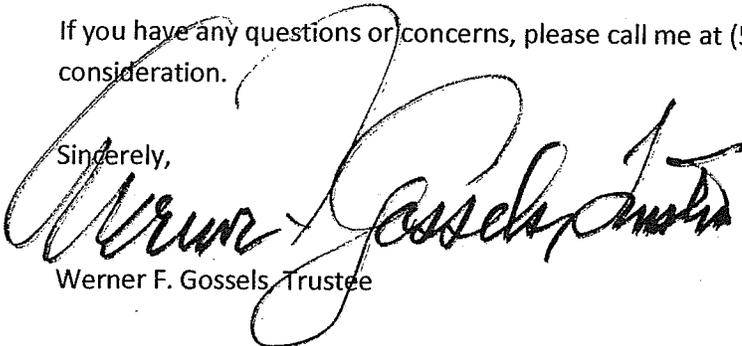
This letter is to confirm that Laine Realty Trust, owner of the property, which has addresses at 529 & 531 Main Street and 1 & 3 Post Office Square Road, agrees to lease space to Peter Pippos Karate Center for use as a martial arts school. The principal entrance for Peter Pippos Karate Center would be at 3 Post Office Square, in the corner of our large parking lot.

The Peter Pippos Karate Center currently operates in Acton in a space that they have outgrown. Your approval will allow this business to move and continue to operate and grow in Acton.

Provided that you, as Acton's Board of Selectmen, agree to permit this "recreation" use at this location, the lease will commence on or about August 1, 2013 and will continue as determined in the lease agreement between Laine Realty Trust and Peter Pippos Karate Center. Therefore, we respectfully request that you approve this "recreation" use pursuant to Acton's Zoning By-Laws.

If you have any questions or concerns, please call me at (508) 358-7812. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Werner F. Gossels', written over a large, stylized circular flourish.

Werner F. Gossels, Trustee

Brian McMullen
Assessor

Locus: 529-531 MAIN ST
Parcel: E4-67

Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	ST	Zip
F4-7-11	23 OLD VILLAGE RD	GLEDHILL CHARLES F	GLEDHILL LINDA S	23 OLD VILLAGE RD	ACTON, MA	01720	
F4-7-18	15 OLD VILLAGE RD	ROTH ANTOINETTE TRUSTEE	15 OLD VILLAGE ROAD REALTY TRUST	15 OLD VILLAGE RD	ACTON, MA	01720	
F4-7-19	2 CRICKET WY	FLEMING GREGORY N	KAYE LAURA K	2 CRICKET WY	ACTON, MA	01720	
F4-7-20	19 OLD VILLAGE RD	BENNETT LISA M	DAMICO PHILIP J	19 OLD VILLAGE RD	ACTON, MA	01720	
F4-7-21	21 OLD VILLAGE RD	WENDL THOMAS TRUST OF 2011	THOMAS WENDL TRUSTEE	21 OLD VILLAGE RD	ACTON, MA	01720	
F4-7-5	16 OLD VILLAGE RD	BILAFER PAUL J TRUSTEE	BILAFER PATRICIA M TRUSTEE	16 OLD VILLAGE RD REALTY TRUST	ACTON, MA	01720	
F4-7-6	18 OLD VILLAGE RD	GOMEZ JOSEPH M	GOMEZ DAWN M	18 OLD VILLAGE RD	ACTON, MA	01720	
F4-7-7	23 OLD VILLAGE RD BESI	GLEDHILL CHARLES F	GLEDHILL LINDA S	23 OLD VILLAGE ROAD	ACTON, MA	01720	
F4-8-1	3 CRICKET WY	FERREREN JOHN E	FERREREN MARJORIE F	3 CRICKET WY	ACTON, MA	01720	
F4-8-10	23 GRASSHOPPER LN	CHAPMAN JULIE F TRUSTEE	THE JULIE F CHAPMAN TRUST	23 GRASSHOPPER LN	ACTON, MA	01720	
F4-8-2	4 CRICKET WY	MINIK HARRY A	MOLLY P	4 CRICKET WY	ACTON, MA	01720	
F4-8-3	18 GRASSHOPPER LN	KERR MATTHEW	KERR ANA	18 GRASSHOPPER LN	ACTON, MA	01720	
F4-8-4	20 GRASSHOPPER LN	HARTMAN BRET A	HARTMAN DANA L	20 GRASSHOPPER LN	ACTON, MA	01720	
F4-8-7	17 GRASSHOPPER LN	ZHANG XIN	YE XIANYI	17 GRASSHOPPER LN	ACTON, MA	01720	
F4-8-8	19 GRASSHOPPER LN	SHAY JOHN W	SHAY KERRY G	19 GRASSHOPPER LN	ACTON, MA	01720	
F4-8-9	21 GRASSHOPPER LN	FINAMORE NICHOLAS J	FINAMORE KARYN C	21 GRASSHOPPER LAN	ACTON, MA	01720	

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

Marty Abbott
Marty Abbott
Acton Assessors Office

4/29/2013



Town of Acton MASSACHUSETTS

E3	F3A	F4	F5
D3	D4	D5	
E3	E4	E5	

Assessor Map:

E4

Parcel boundaries shown on
this map are for assessment
and planning purposes only.

Map Produced By:



See Map E5
for parcels
61 and 62

Peter Pippas Karate Center
USE Special Permit #05/06/13 – 443 (Green)
531 Main Street
June 24, 2013



Board of Selectmen

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6611
Fax (978) 929-6340
bos@acton-ma.gov
www.acton-ma.gov

DECISION
#05/06/13 - 443

Peter Pippas Karate Center
USE Special Permit
531 Main Street
June 24, 2013

GRANTED with Conditions

Decision of the Acton Board of Selectmen (hereinafter the Board) on the application of Peter Pippas Karate Center, 452 Great Road, Acton, MA 01720 (hereinafter the Applicant), for property located at 531 Main Street in Acton, Massachusetts, owned by Gossels Werner F ET UX Trustee, Laine Realty Trust, 17 Bennett Road, Wayland, MA 01778. The property is shown on the 2007 Acton Town Atlas map E-4 as parcels 67 (hereinafter the Site).

This Decision is in response to an application requesting a USE Special Permit submitted to the Board on May 6, 2013, pursuant to Sections 10.3 and 3.5.15 (10) of the Acton Zoning Bylaw (hereinafter the Bylaw) to establish and operate a Commercial Recreation Use with a net floor area of 2,000 square feet or greater (hereinafter the Site).

The Board opened a duly noticed public hearing on June 10, 2013. Due to the hearing not being properly noticed to abutters, the Board immediately continued said hearing to June 24, 2013 without any further discussion. During the June 24, 2013 hearing, the Board heard testimony from the Applicant as well as municipal staff, and then proceeded to close the public hearing. Board members Janet Adachi (Chair),

Mike Gowing (Vice Chair), Katherine Green (Clerk), David Clough and John Sonner were present for the hearing, during which evidence was heard and substantive discussion took place. The minutes of the hearing and submissions upon which this Decision is based upon may be found and referred to in the Town Clerk's office or the office of the Board at the Acton Town Hall.

1 EXHIBITS

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

- 1.1 An application package consisting of the following items and documentation as required by the Rules and Regulations or additionally provided:
 - A properly executed application form for a USE Special Permit, dated and received on May 6, 2013;
 - Cover letter (consisting of 1 page) by Nicole & Peter Pippas, Peter Pippas Karate Center, dated April 25, 2013, with a brief description and explanation of the proposed application;
 - Letter (consisting of 1 page) by Werner F. Gossels, Trustee, Laine Realty Trust, dated April 25, 2013, with a brief description and explanation of the proposed application;
 - Floor Plan of building, or part thereof, which is the subject of this USE Special Permit;
 - Location Map;
 - Certified Abutter's List;
 - Filing fee.
- 1.2 Interdepartmental communication received from:
 - Acton Engineering Department, dated May 10, 2013 and
 - Acton Zoning Enforcement Officer, dated June 3, 2013.

Exhibits 1.1 through 1.2 are hereinafter referred to as the Plan.

2 FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within a Light Industrial (LI) zoning district.
- 2.2 The Site is located within Groundwater Protection District Zones 3 & 4.
- 2.3 The Site was the subject of a prior Site Plan Special Permit issued by the Board of Selectmen. Site Plan Special Permit #11/22/85-0270 permitted the construction of a 15,200 ft² 2-Story addition to an existing 30,000 ft² 2-story industrial building.
- 2.4 The Site was the subject of two (2) prior applications before the Zoning Board of Appeals. Those approvals are as follows:
 - #80-49: Special Permit issued for work within a Flood Plain;
 - #86-09 – Application which was withdrawn by the petitioner;
- 2.5 The Site is approximately 13.45 acres (585,882 square feet) in land area.
- 2.6 The existing building was originally constructed in 1956 and is approximately 81,038 square feet in gross floor area.
- 2.7 The Use, Commercial Recreation consisting of 2,000 square feet or more, is allowed on the Site by special permit in accordance with the Bylaw (Table of Principle Uses – Section 3.5.15 and the associated footnote 10), including all overlay district requirements.

- 2.8 The Use would occupy an area in excess of the 2,000 square foot threshold for a commercial recreation use.
- 2.9 The Use, would specifically allow for Peter Pippas Karate (karate studio) to operate and conduct instructional karate classes for children (ages 5-8), youths (ages 9-14) and adults (age 15+). Instructional classes would be conducted on weekdays between the hours of 4:15 pm and 8:30 pm and on weekends between the hours of 9:00 am and 12:00 noon.
- 2.10 There are no significant proposed modifications or alterations proposed to the exterior of the existing structure.
- 2.11 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. These comments were considered by the Board in its deliberations, were made available to the Applicant, and are incorporated into this decision as deemed appropriate by the Board.
- 2.12 The Use and the Plan as amended and conditioned in this Decision will be reasonably consistent with the Master Plan, in harmony with the purpose and intent of the Bylaw, will not be detrimental or injurious to the neighborhood in which the Use is to take place, is appropriate for the Site, provides for convenient and safe vehicular and pedestrian movement within and through the site, provides an adequate number of parking spaces, provides adequate methods of refuse and waste removal from the site, and is in harmony with the purpose and intent of the Bylaw.

3 BOARD ACTION

Therefore, the Board voted unanimously on June 24, 2013 to GRANT the requested USE Special Permit #05/06/13 – 443 subject to and with the benefit of the following conditions, and limitations.

3.1 CONDITIONS

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

- 3.2.1 The USE shall be established and operated at all times in compliance with all applicable requirements promulgated by the Acton Board of Health.
- 3.2.2 If applicable, the Applicant shall pay in full, all taxes now due, and penalties and back charges, if any, resulting from the non-payment of taxes prior to the issuance of any building permit or any Certificate of Occupancy for said USE, whichever is first.
- 3.2.3 Any changes, expansion or modification to the Site that is not in conformance with this USE Special Permit shall require further approval of the Board.
- 3.2.4 This USE shall be established and conducted at all times in accordance with the terms of this USE Special Permit and shall conform with and be limited to the improvements indicated on the Plan as modified herein.
- 3.2.5 Prior to any work commencing on the Site, the Applicant shall demonstrate compliance with any and all other comments/concerns provided by other municipal disciplines.
- 3.2.6 The Applicant shall ensure that this Decision is promptly recorded at the Middlesex South District Registry of Deeds or the Land Court. Proof of recording shall be forwarded to the Zoning Enforcement Officer prior to the issuance of any building permit for work on the Site, or prior to any Certificate of Occupancy for the Use, whichever occurs first.

4 LIMITATIONS

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

- 4.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw and the Rules.
- 4.2 This USE Special Permit applies only to the Site identified in this Decision and to the proposed USE and activities shown and noted in the Plan.
- 4.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 This USE Special Permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this Decision with the Town Clerk, except for good cause, or if construction under this USE Special Permit is not continued through to completion as continuously and expeditiously as is reasonable. For construction to continue towards completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than 1 year. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to this USE Special Permit and to require any appropriate modifications of the Plan.
- 4.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this USE Special Permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

5 APPEALS

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

The Town of Acton Board of Selectmen

Janet Adachi, Chair

Date Filed with Town Clerk

Eva K. Szkaradek, Town Clerk

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

Eva K. Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief
Owner

Building Commissioner
Town Engineer
Conservation Administrator
Police Chief
Assistant Assessor

Health Director
Municipal Properties Director
Town Manager
Acton Water District
Planning Department