



Planning Department

**TOWN OF ACTON**  
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**MEMORANDUM**

**To:** Board of Selectmen  
**From:** Kristen Guichard, Assistant Town Planner *KSG*  
**Date:** July 28, 2014  
**Subject:** Use Special Permit # 6/16/14 — 449 (Angel Performing Arts Inc.)

**Location:** 898 Main Street  
**Applicant:** Angel Performing Arts, Inc  
**Owner:** Werner F. Gossels, Trustee of Laine Realty Trust  
**Previous Site Plans:** 6/18/73 -#0068, 7/25/74-#0087, 6/20/77-#0132, 3/7/78-#0149, 10/15/85-#0267, 3/20/86 -#0274, 8/21/87-#0286 , 10/15/85-#0267  
**Zoning:** Small Manufacturing (SM) and Groundwater Protection District 3  
**Proposed Uses:** Commercial Recreation  
**Map/Parcel:** C5-20-1  
**Hearing Date:** August 11, 2014  
**Decision Date:** November 9, 2014

**1. Departments/Boards Comments:**

As of this date, comments have been received from the Health Department and Building Department; to date no other comments have been received. Based upon a general overall knowledge of the site, the proposed use does not seem to raise significant concerns or questions. Should the Use Special Permit be issued and the Applicant move forward with occupying the subject space, any required alterations and modifications to the existing space will presumably require building, electrical and plumbing permits which will be reviewed for full compliance with specific Building, Health, Fire Code issues and concerns.

**2. Background**

The applicant submitted a special permit for Commercial Recreation Use under the Zoning Bylaw for 898 Main Street on June 16, 2014 of which a hearing was posted for July 28, 2014. Commercial Recreation Uses with 2,000 square feet or more requires a use special permit from the Board of Selectmen (Table of Principle Uses—Section 3.5.15 and associated footnote 10.)

Upon initial review, the application did not provide information on rated capacity of the proposed space to determine if existing parking could adequately accommodate the change in use. Additional information on rated capacity was requested of the applicant. On July 17, 2014, the applicant's architect provided the Town with a calculated rated capacity of 420 people which would require a total of 105 parking spaces where only 42 parking spaces are available on the site. The applicant was advised to apply for a reduced parking special permit and to postpone and repost the public hearing to accommodate both requests. On July 18, 2014, the applicant submitted the request for commercial recreation use as well as reduced parking special permit from a total of 105 spaces to 41 spaces. On July 24, 2014 the Planning Department received a new letter from the architect indicating a revised calculation for rated capacity at 160

people which only requires 40 parking spaces. The rated capacity number of 160 people was then verbally confirmed with the Acton Building Commissioner. With this new information provided by the architect, we advised the applicant to withdraw their request for the reduced parking special permit.

**3. Review**

Angel Performing Arts Inc, an authentic Chinese cultural dance studio, is proposing to locate at 898 Main Street. The property owner has submitted an email of written consent for this application which is on file. The proposed commercial recreation use is allowed in the Small Manufacturing (SM) zoning district by special permit and is an appropriate use in this location.

The existing building was constructed in 1987. The building is divided into five individual spaces. Currently, four are occupied by different uses and one is vacant. (See parking table below.) The proposed use would locate in the vacant space consisting of +/- 8,200sf. The application does not propose modifications or alterations to the structure which affect the overall FAR of the property. The parking component has been reviewed based upon the requirements of Section 6.3 and the most recent information provided by the applicant’s architect dated July 24, 2014. The existing parking lot would seem to comply with the minimum parking requirements provided the rated capacity remains at 160 people. In addition, the applicant has provided a site plan showing three bicycle parking spaces which seem to comply with the dimensional regulations as specified under Bylaw Section 6.3.7. If approved, the bicycle parking should be implemented with bollards or posts to protect from motor vehicles as specified in Bylaw Section 6.3.7.4 and a secure rack of an inverted “u-shaped” design should be installed per Bylaw Section 6.3.7.3.

**Parking Calculations:**

Existing Uses	ZBL Vehicle Parking Schedule Section	NET SF	Rated Capacity	Number of Employees	Required Vehicle Parking Spaces (rounded up)
JR Higgins	6.3.1.16 – Industrial (1 space/employee on the largest shift)	22,000		22	22
Gentle Giant	6.3.1.9 – Office (1 space/250sf of Net Floor Area)	400			2
Novotech	6.3.1.16 – Industrial (1 space/2,000sf of Net Floor Area, plus 1 space for each additional 10,000sf of Net Floor Area)	3,000		0	2
Wright Design	6.3.1.9 – Office (1 space/250sf of Net Floor Area)	1,200			5
Proposed Use	ZBL Vehicle Parking Schedule Section	NET SF	Rated Capacity	Number of Employees	Required Vehicle Parking Spaces (rounded up)
Angel Performing Arts Inc.	6.3.1.14 – Commercial Recreation (1 space/4 persons of rated capacity)		160		39*
TOTAL required vehicle spaces for existing & proposed uses					70

TOTAL existing vehicle spaces	
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72

\* ZBL Sec. 6.3.7.7 - For the first two through six bicycle parking spaces provided the number of off-street vehicular parking space shall be reduced by one.

4. **Recommendation**

The Planning Department believes comments noted in paragraph #3 regarding the bicycle parking facility and establishing a maximum rated capacity, can be easily addressed in the decision; in all other aspects the proposed use appears to comply with the Town of Acton Zoning Bylaw. The Board should determine if the applicant's requests meet the criteria of Bylaw Section 10.3. Additional comments from other Town departments, committees and agencies are attached. Please review other departmental comments. The hearing can be closed unless issues and concerns raised by other departments or information brought forward at the public hearing suggest otherwise.