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**TOWN OF ACTON
PLANNING DEPARTMENT**

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MAG RE Holdings-Acton, LLC
Site Plan Special Permit #02/27/2023-490
1 & 5 Nagog Park & 599 Great Road
November 20, 2023



Acton Select Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6611
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www.actonma.gov

DECISION

#02/27/2023-490

Site Plan Special Permit

1 & 5 Nagog Park & 599 Great Road

November 20, 2023

GRANTED with Conditions

Decision of the Acton Select Board (hereinafter the Board) on the application of MAG RE Holdings-Acton, LLC (hereinafter the Applicant) for the property located at 1 & 5 Nagog Park & 599 Great Road in Acton, Massachusetts (hereinafter the Site), owned by MAG RE Holdings, LLC, 77 Washington Street, Newton, MA 02460. This Decision is in response to an application for a Site Plan Special Permit submitted to the Select Board on February 27, 2023, for the construction of an automobile dealership (Vehicle Sale Zoning Bylaw Section 3.5.22) with associated site improvements and an updated parking lot pursuant to Zoning Bylaw Section 10.4 (hereinafter the Use).

The Board held an advertised public hearing held in person and through zoom, pursuant to Governor Baker's March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, on April 24, 2023 and subsequently continued the hearings to May 8, 2023, June 26, 2023, September 11, 2023, September 18, 2023, and October 16, 2023. The public hearing was closed on October 16, 2023. Board members Jim Snyder-Grant (Chair), Francesca Arsenault (Vice Chair), Dean Charter (Clerk), David Martin and Alissa Nicol were present. The minutes of the meeting and submissions on which this decision is based on may be found in the Planning Division or in the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

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

- 1.1 A properly executed application for a Site Plan and Use Special Permit was received and filed with the Town Clerk on February 28, 2023. The drawings and documents submitted as part of the application comprise the following:
- Cover Letter;
 - Project Narrative;
 - Certified Abutters List;
 - Memorandum Detailing the Use;
 - Information Regarding Other Permits, Water Balance and Earth Removal Calculations;
 - Recorded Plans and Deeds;
 - Traffic Report from MDM Transportation Consultants, Inc. dated February 23, 2023 and revised June 23, 2023;
 - Parking Proof Plan dated February 1, 2023 and revised June 19, 2023, August 23, 2023 and September 27, 2023;
 - Landscaping Plan dated February 22, 2023 and revised August 22, 2023, September 29, 2023 and October 12, 2023;
 - Architectural Plans dated December 7, 2022;
 - Lighting Plan dated February 17, 2023 and revised August 23, 2023 and September 27, 2023;
 - Stormwater Management Report dated February 17, 2023 and August 23, 2023;
 - Civil engineering plan set, dated February 17, 2023, and revised August 23, 2023 and September 26, 2023, consisting of 11 sheets;
- 1.2 Additional Material and Correspondence:
- Memorandum from Mark Bobrowski, Counsel for McGovern Auto Group dated June 23, 2023;
 - Overall Layout Plan;
 - Open Space Exhibit dated August 23, 2023 and revised September 27, 2023;
 - Net Floor Area Exhibits dated June 1, 2023 and August 23, 2023, and revised September 27, 2023;
 - Response to Peer Review Comments dated August 23, 2023 and September 29, 2023;
 - Developable Area Exhibit dated August 23, 2023;
 - Turning exhibits dated August 21, 2023;
 - Fire Access Turning Exhibit dated September 26, 2023;
 - Culvert Report dated September 27, 2023;
 - Lighting package;
 - Alternative Bike Parking Exhibit dated October 12, 2023;
- 1.3 Interdepartmental and other communication:
- Building Division, dated October 25, 2023;
 - Health Department, dated February 28, 2023 and October 4, 2023;
 - Acton Water District, dated April 28, 2023 and September 11, 2023;
 - GCG Associates, Inc. Town of Acton's Third-Party Engineering Review, dated April 14, 2023, September 15, 2023, and October 12, 2023;
 - Design Review Board, dated March 30, 2023, September 13, 2023, and October 5, 2023;

- Planning Division, dated June 23, 2023, September 14, 2023, and October 13, 2023;
- Assessing Department, dated September 13, 2023;
- Health Department, dated September 13, 2023 and October 3, 2023;
- Fire Department, dated September 14, 2023;

1.4 Public Comments

- Adrienne Fishman, dated June 23, 2023;
- Alan O'Rourke, dated April 16, 2023;
- Alan Marr, dated June 27, 2023;
- Amanda Aldridge, dated May 19, 2023;
- Amanda Steinberg, dated May 18, 2023;
- Anindita & Dev, dated May 8, 2023;
- Anne Sullivan, dated June 24, 2023;
- Annette Lafrate, dated June 24, 2023;
- Aruna Sharma, dated May 14, 2023;
- Barbara Lang, dated April 28, 2023 and October 16, 2023;
- Ben and Kimberly Hurwitz, dated May 14, 2023;
- Beth Davis, dated May 22, 2023;
- Bradford Milnes, dated June 24, 2023;
- Caitlin Sullivan-Fieldman, dated May 18, 2023;
- Carla Serkin, dated May 5, 2023;
- Carol Pickilingis, dated April 18, 2023;
- Carolyn Kiely, dated June 22, 2023;
- Charles Bandes, dated May 18, 2023;
- Chelsea Reinhold, dated April 24, 2023;
- Christine Anderson, dated April 19, 2023;
- Clare G & Andrew F., dated May 18, 2023;
- Concord Public Works, dated June 20, 2023 and September 14, 2023;
- Corinne Steinhilper, dated June 17, 2023;
- Dan Klein, dated April 18, 2023 and June 18, 2023;
- Diana Garfield, dated June 24, 2023;
- Doug & Karen Burum, dated April 18, 2023;
- Duncan Grant, dated May 7, 2023;
- Elizabeth Seiss, dated May 8, 2023;
- Ellen Kruger, dated April 18, 2023;
- Emily Welch, dated May 1, 2023;
- Erin Blankenship, dated May 8, 2023;
- Ganesh Prasanna, dated May 14, 2023;
- George Harlem, dated June 27, 2023;
- Jayke Sudana, dated May 10, 2023;
- Jeanne Hobbie, dated June 27, 2023;
- Jeff Terrace, dated May 13, 2023;
- Jeremy Symonds, dated April 16, 2023;
- Jessica Schoffel, dated April 25, 2023;

- Jeremy Symonds, dated April 16, 2023;
- Jessica Schoffel, dated April 25, 2023;
- Joan Rollo, dated May 19, 2023;
- Joanne Campanella, dated June 23, 2023;
- John Bircsak, dated May 18, 2023;
- John Kovach, dated June 24, 2023;
- John Terrey, dated May 3, 2023;
- Joseph Ting, dated May 7, 2023;
- Judy Wolff, dated April 19, 2023;
- Karen Brandstein, dated May 18, 2023;
- Karla Hailer, dated April 12, 2023 and May 24, 2023;
- Kate Chung, dated April 23, 2023;
- Ken Alba, dated May 13, 2023;
- Kevin O'Sullivan, dated May 21, 2023;
- Kim Appelmans, dated April 28, 2023;
- Kristen Morris, dated May 23, 2023;
- Lauren Oliver, dated May 19, 2023;
- Lea Walton, dated April 24, 2023;
- Leah Abraham, dated June 26, 2023;
- Leslie Johnson, dated May 13, 2023;
- Lisa Bennett, dated April 24, 2023;
- Logan Karbiner, dated May 13, 2023;
- Lori Fassman, dated April 16, 2023;
- Lynda Daub, dated June 24, 2023;
- Lynnette Cassel, dated April 16, 2023;
- M Stilmant & B Bronstein, dated June 24, 2023;
- Margaret Nichols, dated June 14, 2023;
- Marie and John Robb, dated June 16, 2023;
- Mary Bowe Shuman, dated April 24, 2023;
- Matt Ditmars, dated May 15, 2023;
- Meghan Seidman, dated May 8, 2023;
- Michael Blumberg, dated April 24, 2023;
- Michelle & Joe Walsh, dated June 26, 2023;
- Michelle Brown-Droese, dated May 13, 2023;
- Miles Fidelman, dated April 24, 2023 and September 21, 2023;
- Nagog Woods Community Corporation Board of Directors, dated May 4, 2023;
- Nancy Schadler, dated June 19, 2023;
- Peggy Mikkola, dated April 18, 2023;
- Peter Droese, dated May 21, 2023;
- Rachel Munoz, dated May 18, 2023;
- Rachelle Horwitz-Martin, dated June 26, 2023;
- Raymond Cobb, dated May 5, 2023;
- Rebecca Winter, dated May 15, 2023;
- Robert Sekuler, dated June 26, 2023;

- Ryan Habbyshaw, dated May 13, 2023;
- Sanjay Gupta, dated April 16, 2023;
- Sarah Protopopov, dated April 18, 2023;
- Sharon & Mitch Ayoob, dated April 24, 2023;
- Shauna Seidenberg, dated May 8, 2023;
- Simone Zimmer, dated May 19, 2023;
- Sophia Brown, dated April 17, 2023;
- Stacy Keller, dated April 22, 2023;
- Steve and Maureen Leo, dated May 21, 2023;
- Steve Spirou, dated May 18, 2023;
- Susan Digilio, dated April 22, 2023;
- Susan Tripathy, dated May 18, 2023;
- Tao Hong, dated May 7, 2023;
- Thomas Pryor, dated May 13, 2023;
- Tom Wolf, dated May 19, 2023;
- Tori Taylor, dated May 19, 2023;
- Tripti, dated June 17, 2023;
- Vicki Tardiff, dated April 22, 2023 and June 17, 2023;
- Village of Nagog Woods Petition, dated May 4, 2023;
- Vincent and Mary Elle Parrella, dated May 20, 2023;

1.5 Other:

- Agreement on time extension to continue the hearing to May 8, 2023;
- Agreement on time extension to continue the hearing to June 26, 2023;
- Agreement on time extension to continue the hearing to September 11, 2023;
- Agreement on time extension to continue the hearing to September 18, 2023;
- Agreement on time extension to continue the hearing to October 16, 2023;

Exhibits 1.1 and 1.2 are referred to herein 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 +/- 12.2 acre Site is located in the Limited Business (LB) zoning district and Ground Water Protection District Zone 4.
- 2.2 The Site currently has an +/- 34,600 square foot mixed-use retail plaza ("Nagog Mall"), two office buildings totaling +/- 3,000 square feet, a +/- 7,800 square foot restaurant building, and a +/- 6,678 square foot restaurant building currently exists on the Site.
- 2.3 The applicant proposes to demolish the eastern portion of the Nagog Mall, the +/- 6,678 square foot restaurant, and the +/- 1,200 office building. +/- 21,930 square feet of the Nagog Mall will remain, along with the +/- 1800 square foot office building and the +/- 7,800 square foot standalone restaurant.
- 2.4 A +/- 39,300 square foot automobile dealership will be constructed on the Site.

- 2.5 The Floor Area Ratio on the Site is 0.185; the maximum Floor Area Ratio in the LB Zoning District is 0.2.
- 2.6 The LB Zoning District has a 50% minimum open space requirement. There will be +/- 50.9% open space on the Site.
- 2.7 The proposed Use is Vehicle Sale as defined in Section 3.5.22 of the Bylaw. That use is allowed by right in the LB District.
- 2.8 The proposed structures appear to comply with the dimensional requirements of the Bylaw.
- 2.9 There is an existing pond located along the southern portion of the Site ("Little Nagog") and there are bordering vegetated wetlands located along the south-easterly portion of the site. The Plan has been reviewed by the Conservation Commission and were approved on October 4, 2023 (DEP 85-1342).
- 2.10 The Site currently has 328 parking spaces which are legal pre-existing non-conforming. The 328 spaces were constructed prior to the enactment of ZBL Section 5.4.6.2. The maximum number of parking spaces on the site is 1 space for every 3,000 square feet of developable area. The developable area for the Site is 385,619 square feet, which calculates out to a maximum number of 129 parking spaces. Therefore, the number of parking spaces on the site cannot exceed 328 parking spaces. The Plan shows 328 parking spaces which is the maximum allowed under the legal pre-existing non-conformity.
- 2.11 The minimum required number of vehicle parking spaces for the proposed and existing uses is 279 vehicle parking spaces as required in section 6.3.1. The number of vehicle parking spaces proposed complies.
- 2.12 The Plan also shows 17 proposed bicycle parking spaces in appropriate locations as required by section 6.3.7.
- 2.13 The Applicant requested a Flexible Parking Plan under Bylaw section 6.7.9.
- 2.14 The Flexible Parking Plan meets the minimum requirements of Section 6.7.9.4 of the ZBL except as waived in Waiver 3.1.2.
- 2.15 The Proof Parking Plan, as required by Section 6.7.9.2 of the ZBL demonstrates that the same number of parking spaces can be designed in compliance with the requirements of Sections 6.7.1, 6.7.2, 6.7.5 through 6.7.8, and 10.4.3.6 of the ZBL.
- 2.16 The Flexible Parking Plan as conditioned herein conforms to Section 6.7 of the Bylaw, is more advantageous for the Site, is more conservative in its use of natural resources, and overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.
- 2.17 The dumpsters have been located behind the new dealership to be as far away as possible from the abutting residential neighborhood and Little Nagog Pond.
- 2.18 The access driveway into the Site shown on the Plan as 30 feet in width exceeds the bylaw's requirement of 24 feet in width. The Board may allow a wider access driveway as is necessary to provide adequate area for safe vehicular turning movements and

circulation. The Board finds the wider access driveways necessary for the Site to accommodate large car carriers to move within the Site.

- 2.19 Bylaw Section 10.4.3.4 requires a sidewalk to be built along the site's frontage of 1,345 feet. A sidewalk exists on portions of the Site's frontage. A sidewalk with necessary associated crosswalks is proposed along the remaining frontage where a sidewalk currently does not exist.
- 2.20 An internal sidewalk from the first access drive to the existing restaurant is shown on the plans to facilitate safe pedestrian movement within the Site. The internal sidewalk will connect to other internal walkways and the sidewalks required along the frontage.
- 2.21 There is an existing informal walking path from the adjacent Nagog residential neighborhood along the north-eastern portion of the site. The Plan shows a formalized internal walking path with an associated crosswalk to help facilitate pedestrian movement from the residential neighborhood.
- 2.22 The Plan shows approximately 33 evergreen trees as an additional landscape buffer from the residential neighborhood. These trees are planted in addition to the required landscaping of the Site.
- 2.23 The Stormwater Management System Operation and Maintenance Plan & Long-Term Pollution Prevention Plan dated August 23, 2023 has been updated to prohibit the use of sodium chloride salts and only allow calcium chloride and magnesium chloride, or as approved by the Town of Acton & Concord Public Works.
- 2.24 Any commercial signage on this Site requires separate approval by the Planning Division or the Planning Board, as the case may be, under the Bylaw, Section 7.
- 2.25 The Board received comments from various Town Departments, which are listed in Exhibit 1.3 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.
- 2.26 The Plan as proposed is consistent with the Comprehensive Community Plan.
- 2.27 The Plan as proposed protects the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
- 2.28 The Plan provides 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.
- 2.29 The Plan provides for adequate arrangement of parking and loading spaces in relation to the proposed uses of the premises.
- 2.30 The Plan provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site.
- 2.31 The Plan will not derogate from the intent of this Bylaw to limit the adverse effects of the use and development of land on the surface and groundwater resources of the Town of Acton.

- 2.32 The Plan complies with all applicable requirements of this Bylaw except where granted as waivers in this decision under 3.1.

3 BOARD ACTION

Therefore, the Board voted 4 to 1 on November 20, 2023 in favor of GRANTING the Site Plan Special Permit subject to the following recommendations, plan modifications, conditions, waivers, and limitations.

3.1 WAIVERS

Through their revised plan set dated September 23, 2023, the Applicant has requested the following waivers:

- 3.1.1 Waivers pursuant to the Flexible Parking Plan as referenced in Finding 2.15. The followings waivers are granted pursuant to section 6.7.9.
- 3.1.1.1 Section 6.7.1 Cells. No separation is proposed between parking lot cells. The waiver is granted pursuant to Section 6.7.9.
- 3.1.1.2 Section 6.7.2 Setbacks. There is existing pavement on the western portion of the Site that does not comply with the 30 foot front yard setback and 10 foot side and rear setback. The waiver is granted pursuant to Section 6.7.9.
- 3.1.1.3 Section 6.7.6 Perimeter Landscaping. A 10-foot wide landscaped buffer around the parking lot and/or cells is not proposed. The waiver is granted pursuant to Section 6.7.9.
- 3.1.1.4 Section 6.7.7 Interior Landscaping Requirements. Landscaped islands on the Site are proposed with less than the required 5-foot radius. Interior landscaping requirements are also included in the open space calculation. The waiver is granted pursuant to Section 6.7.9.
- 3.1.1.5 Section 6.7.8.1 Plantings for Perimeter and Interior Area Landscaping Requirements. Plantings proposed are less than the required one shrub per thirty square feet of landscaped area and one shade tree per two hundred square feet of landscaped area. The waiver is granted pursuant to Section 6.7.9.
- 3.1.2 The Plan shows a pre-existing emergency access within the minimum required 10-foot pavement setback behind the existing-to-remain retail plaza. The emergency access is necessary to provide safe access to the existing retail plaza in case of emergency. This waiver is granted.

3.2 PLAN MODIFICATIONS

The Building Commissioner shall not issue a building permit for new construction on this Site nor shall any activity for new construction approved hereunder begin on the Site, until and unless the Zoning Enforcement Officer (ZEO) confirms 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 Zoning Enforcement Officer. Where approvals are required from persons, boards, commissions, or agencies other than the Zoning Enforcement Officer, the Applicant shall be responsible for providing evidence of such approvals to the Zoning Enforcement Officer. Demolition work may begin regardless.

3.2.1 Revise the following on the Open Space sheet:

3.2.1.1 Remove the northwestern parking space that is no longer proposed in the Plan Set

3.2.1.2 Include the sidewalk proposed along Nagog Drive's frontage in the open space calculation as allowed by section 10.4.3.4.e. and provided an updated open space calculation in the zoning table.

3.2.2 Revise the following on the Proof Plan:

3.2.2.1 Include the sidewalk proposed along Nagog Drive's frontage in the open space calculation as allowed by section 10.4.3.4.e.

3.2.2.2 Relocate the dumpsters outside of the perimeter landscaping.

3.2.2.3 Remove former locations of dumpsters in the north-eastern access driveway.

3.2.2.4 Relabel the '8 spaces' label in front of the proposed building southerly corner should be 7 spaces and the '23 spaces' label along the Nagog parking frontage should be 24 spaces.

3.2.3 Revise the bicycle parking in the plan set to include the revised locations as shown on the Alternative Bike Parking Exhibit dated October 12, 2023.

3.2.4 Revise Plan Sheet 3 to include an impervious barrier, such as boulders, on the eastern edge of the parking lot approximately 5-6 feet apart to protect the landscape buffer from vehicle parking.

3.2.5 The elevation plans shall be revised to extend the front facing façade wrap to the eastern side to cover the first three proposed concrete tilt up panels, as stated in the Design Review Board's October 5, 2023 memo.

3.2.6 The elevation plans shall be revised to wrap the 6 inch diameter column that stands alone to support the overhead roof canopy with the same metal panel, as stated in the Design Review Board's October 5, 2023 memo.

3.2.7 The landscape plan shall be revised to adjust the landscape treatment on the eastern edge of the new building to align with the recommended extend of metal finish onto the eastern side, as stated in the Design Review Board's October 5, 2023 memo.

3.2.8 To the extent not otherwise addressed herein, make modifications and add notes and clarifications as necessary to satisfactorily address the additional questions and concerns raised in the engineering review letter by GCG Associates, Inc. dated October 12, 2023.

3.2.9 Other minor Plan modifications are authorized hereunder, in order for the Plan to comply with the requirements of others having jurisdiction, provided such modification are following the Bylaw and are not inconsistent with this Site Plan Special Permit as conditioned herein.

3.2.10 Unless directed otherwise by this decision, the Plan shall be modified to comply with all requirements of the Rules, and shall address all departmental comments received by the

Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.

3.3 CONDITIONS

The following conditions shall be binding on the Applicant and Use, and its successors and assigns. The Town of Acton may elect to enforce compliance with the Special Permits using any and all powers available to it under the law.

- 3.3.1 All outdoor luminaires shall be LED and shall not to exceed a color rating of 3000K with proper shielding, or additional shielding as may be required, all in compliance with the Bylaw, Section 10.6.
- 3.3.2 Outdoor lighting shall be turned on no earlier than one hour before business hours and shall be turned off no later than 11PM or one half an hour after close of business as required in section 10.6.2.3.
- 3.3.3 Safety and security lighting may remain on outside of these hours, but at least 50% of the fixtures shall be turned off between 11PM or one half an hour after close of business and one hour before business hours. A security lighting plan must be submitted to the Zoning Enforcement Officer prior to issuance of an occupancy permit.
- 3.3.4 Car-carrier delivery hours and dumpster pickup hours shall be limited to 7am to 7pm.
- 3.3.5 Prior to issuance of an occupancy permit, the applicant shall submit to the Zoning Enforcement Officer a post construction noise assessment to compare the post construction noise levels to the existing sound study.
- 3.3.6 Prior to issuance of an occupancy permit, the applicant shall provide an enhanced spill management kit on site that emergency services personnel from Concord, Acton, Littleton, MassDOT, and other would have access to quickly address spills.
- 3.3.7 Prior to the issuance of a building permit, the applicant shall submit a letter to the Board of Health that states that the owners of the treatment plant/wastewater commission allow approval to connect to the private wastewater treatment system.
- 3.3.8 Prior to the issuance of a building permit for new construction, Any grease traps and/or underground tanks not utilized shall be pumped and decommissioned and/or removed.
- 3.3.9 Prior to the issuance of a building permit, the applicant shall provide performance guarantee for the new parking lot, new landscaping, and new drainage facilities. The form of security shall be generally as required in the Performance Guarantee section of the Town of Acton Subdivision Rules and Regulations.
- 3.3.10 Prior to the issuance of a Certificate of Occupancy, the applicant must submit a Hazardous Material Control Permit application.
- 3.3.11 All construction activities and continued operations after completion of the facility shall be conducted in compliance with the requirements of the Bylaw and the Town of Acton General Bylaws, including Chapters X and U.
- 3.3.12 In exercising this Site Plan Special Permit, the Applicant shall comply with all requirements for water service installations, operations and maintenance of the Water Supply District of Acton.

- 3.3.13 The Applicant shall be diligent in complying with the erosion and sediment control plan. The Applicant shall not cause or permit the runoff of water or erosion that result in the flooding or siltation of any street, way or drainage facility. If such runoff or erosion occurs, the Building Commissioner may order the immediate cessation of any excavation, construction and building activities until the conditions that caused the runoff or erosion have been corrected.
- 3.3.14 The Applicant shall be diligent to ensure that no construction debris leaves the site. This shall not preclude trucking debris off the Site.
- 3.3.15 All construction activity on the property relating to this Site Plan Special Permit, including demolition, shall be limited to the hours of: Monday – Friday: 7:00am – 6:00pm; Saturday 8:00am – 5:00pm; Sundays & Holidays: No work permitted.
- 3.3.16 The Applicant shall be diligent to ensure that trash and debris be properly managed on the Site at all times.
- 3.3.17 Ensure that all any fees on the Property shall remain paid in full, including all penalties and back charges resulting from the non-payment of taxes, if any.
- 3.3.18 All work on the Site shall be conducted in accordance with the terms of this special permit and shall conform with and be limited to the improvement shown on the Plan as conditioned, modified, and approved herein.
- 3.3.19 At the conclusion of construction and before the issuance of an occupancy permit, the Applicant shall submit an as-built plan including the certification form required per the Rules & Regulations under the Town Bylaws, Chapter X. The as-built plan shall be (1) stamped and certified by a Massachusetts Registered Professional Land Surveyor showing the accurate locations of buildings, pavement, drainage, utilities, and all other site improvement, and (2) stamped by a Massachusetts Registered Professional Engineer (PE) to certify that the site has been completed in accordance with the approved Plan pursuant to this Decision, and that all features required on the Site by the approved Plan and by other governmental entities with jurisdiction, as applicable, have been field inspected by the PE and the systems as built perform as expected from the approved design. Any non-conforming features shall be clearly noted with explanations for the discrepancy and functionality.
- 3.3.20 This Decision shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of any building permit for new construction or any certificate of occupancy.
- 3.3.21 All work on the Site shall be conducted in accordance with the terms of this site plan special permit and shall conform with and be limited to the improvement shown on the Plan as conditions, modified, and approved herein.

4. LIMITATIONS

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

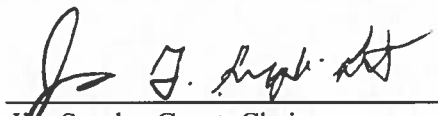
- 4.1 The foregoing required conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw.

- 4.2 This Site Plan Special Permit applies only to the Site identified in this Decision.
- 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 The Special Permits granted with this Decision shall lapse within two years from the date of filing this Decision with the Office of the Town Clerk unless substantial use or construction under the permit has begun. A reasonable extension of said time may be granted by the Board where good cause is shown.
- 4.5 The Board hereby reserves its right and power to modify or amend the terms and conditions of this Decision with or without a public hearing upon the request of the Applicant, its designees or assigns.

5. APPEALS

Any person(s) aggrieved by the issuance of this Site Plan 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 Select Board


John Snyder-Grant, Chair

Copies furnished:

Owner/Applicant	Land Use Departments	
Fire Chief	Design Review Board	
Town Manager	Assessors Department	Town Clerk
Engineering Department	Police Chief	