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October 13, 2005

VIA HAND DELIVERY AND EMAIL

Garry A. Rhodes, Building Commissioner
Town of Acton
472 Main Street
Acton, MA 01720

Re: Site Plan Special Permit 08/26/05-404
SF Properties, Inc.
403, 409 and 411 Massachusetts Avenue

Dear Garry:

In connection with the above-noted Application for a Special Permit, I am enclosing herewith a response to the various comments made by the different Town Departments which were forwarded to my client, SF Properties, Inc. It would be helpful if copies of these comments could be provided to the Members of the Board of Selectmen prior to our meeting on Monday, October 17, 2005.

Very truly yours,

GRAHAM & HARSIP, P.C.



Steven R. Graham

SRG/jm

Enclosures

cc: Don P. Johnson, Town Manager (hand delivery and email)
Client (via email and regular mail)

TO: Town of Acton

RE: Responses to Town of Acton Comments

SUBJECT: Site Plan Special Permit #08/26/05-404
SF Properties Inc.

SITE: 403-411 Massachusetts Avenue
Acton, MA 01720

Engineering Department

1. Drainage Scheme and Calculations

- A. A net decrease in stormwater runoff was found from the predevelopment to the postdevelopment due to the decrease in asphalt parking area.
- B. The existing catch basin will be retrofitted with a gas/oil hood to help improve the quality of the stormwater runoff.

2. Water Balance Calculations

- A. Water balance calculations will be submitted.

3. Natural Site characteristics

- A. The elevations shown on the plans will reference the National Geodetic Vertical Datum (NGVD) of 1929. The plan will also reference two temporary benchmarks and list the location and elevation of the starting benchmark more clearly.

4. Site Improvements

- A. The small triangular section of the proposed parking area shown within the right of way is the existing curb line and not proposed. Based on pre-submission meetings with the Building Department, the applicant was allowed to leave the existing curb line as it currently exists. The proposed sign is in the right of way due to the location of egress.
- B. The existing curb line nearest the unnamed private way did not adhere to the minimum 30 foot setback required from the sideline of the street to the edge of the parking space. The applicant is not proposing a new curb line.
- C. The existing 21.5 foot wide driveway did not adhere to the zoning regulation requiring that driveways for two-way traffic be 24 feet wide. The driveway has been widened to meet the 24 foot requirement.
- D. The applicant added to the plans the opposite side of the private road and the intersections/driveways on abutting lots within 75 feet of the site.

- E. A sidewalk is proposed from the end of the existing sidewalk in front of Starbucks ending at the existing access driveway on the northerly side of the of the next lot (Exxon gas station) since the applicant does not own the abutting parcel. There is no sidewalk proposed between the Exxon Station and Main Street.
- F. The applicant specified the required thicknesses for the gravel base and asphalt surface for the sidewalk. The applicant does not plan to construct a concrete curb along the private way. An asphalt sidewalk is proposed. A typical cross section of the proposed sidewalk has been added to the plans.
- G. The applicant removed the line symbol for the curbing between the end of the handicap sidewalk ramps and the edge of pavement.
- H. The applicant labeled the width of the angled parking stalls on the plan to show that they meet the minimum width required of 12.7 feet.
- I. The applicant labeled the 24 foot minimum maneuvering aisle for the 90 degree parking spaces between the proposed building and the private road.
- J. The applicant has added traffic flow signs to the plans to alert drivers of the intended traffic patterns in the parking lot.
- K. The existing curb cut along the northerly access driveway closets to Main Street has been eliminated to increase the available parking on Site. This eliminates the concern over the necessary turning radius for Fire Department vehicles.
- L. The detail showing a gravel layer underneath drainage structures has been modified to show a crushed stone layer instead.
- M. A note has been added to the plans to indicate that the developer is responsible to clean up any sand, dirt or debris that is tracked onto the roads or erodes onto private property or any existing drainage system (including catch basins sumps, pipe lines, manholes or ditches).

5. Site Utilities

- A. The proposed water service was shown crossing the existing septic system that will be abandoned once the site is connected to the sewer system. The proposed water line has been relocated to the north of the proposed building based on the location of the utility room from the architectural plans.

Municipal Properties Director (Landscaping)

A total of 8 deciduous shade trees have been added to the plan to replace the dead/declining pine hedges on the north side of the property that are scheduled to be removed. The proposed shade trees will be limited to a maximum matured height of 8 feet to ensure that they do not block visibility of building signage.

Health Department

- 1 A detailed set of plans showing all elements of the new sewer connection and its compliance with the Sewer Rules and Regulations will be submitted to the Town prior to obtaining the required sewer connection permit and subsequent building permit.
- 2 A plan detailing how the existing septic system will be abandoned and how any special wastes will be handled, both on and off site, will be submitted to the Town.
- 3 The septic tank that formerly serviced 411 Mass. Ave was previously removed. A new grease trap in the building for the Starbucks was installed at the time of the removal.
- 4 Both proposed dumpsters shown on plans will be enclosed with lockable gates.

Planning Department

Addressing Non-Conformities

After meeting with the Building Department multiple times prior to the submission of the plans, the applicant was told that the existing curb and parking space locations that do not conform could remain in their current locations, even with the demolition of the existing buildings and subsequent construction of the proposed structure. The design of the parcel was based on these meetings.

In regards to the existing non-conforming FAR, as pointed out by the Planning Department, the proposed construction will improve the FAR from 0.38 to 0.29, which is closer to the maximum FAR of 0.20. It is the existing multi-story building that does not conform to the required FAR. The applicant does not feel that the non-conformity should affect the new construction, particularly when the FAR will be improved upon over its existing condition.

Due to the limited size and unusual shape of the northern half of the parcel, adhering to the required 30 foot setback in conjunction with the parking lot cell requirements (which have been adhered to in the proposed plan), would not allow the parcel to be redeveloped. It is for these reasons that the applicant wishes to leave as much of the existing parking and curb locations in place as possible, thus allowing the non-conformities.

Addressing specific comments from the Planning Department

- 1) In regards to installing driveway connections to the Quill and Press and the Exxon Station, the design changes necessary to accommodate driveways to each of these abutting properties would cause the number of parking spaces to fall below the minimum required. A driveway connection to the office building parking lot is not feasible due to the significant difference in grade from the northern portion of the lot to the southern portion. Please note that concrete sidewalks allowing pedestrian access to the Quill and Press and the Exxon Station have been added to the Site Plan.
- 2) If possible, a crosswalk with wheel chair ramps on the private road will be installed to connect the sidewalk with the other side.

- 3) The sidewalk on the north side of Mass. Ave. was installed under the direction of the Town of Acton approximately 2 years ago. The applicant does not plan on extending the sidewalk on the north side of Mass. Ave to the Main Street intersection.
- 4) The applicant currently has no plans to extend the sidewalk on the private road past the Exxon station to Main Street.
- 5) Relocating the building to the front of the site will not work due to the front 30' setback requirement. Moving the building to within 30 feet of the front lot line would reduce the number of parking spaces on the Site below the required number.
- 6) The minimum parking space requirements were revisited and calculated as follows.

Bank: 1 Space every 300 square feet. Based on size of proposed building 11 spaces required.

Existing building (Office/Retail Space): 1 space for every 250 square feet. Based on size of existing building 67 spaces required.

Total parking spaces required is 78.

Total parking spaces provided on revised plan is 88.

Please note that some minor changes have occurred on the plans since the original submission on August 25, 2005. The northerly driveway closet to the Exxon Station has been eliminated to accommodate more parking. The driveway on the western side of the proposed bank has been shifted away from the building. The angled parking spaces now abut the building and have been reduced to three from the original four. Reconfiguring the layout of the existing 6 spaces adjacent to the southern egress along the private road has allowed for the addition of one space on the revised plan.