



12/11/08 (5) ~~11/17/08~~ (7)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

October 8, 2008 sent

Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on October 16, and 23, 2008.

Please send the bill to: Joseph Pittorino, Partner.
88 Champs, L.L.C.
525 Main Street
Acton, MA 01720
978-265-1851

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720
Fax # 978-264-9630

Very truly yours,

Christine Joyce
Town Manager's Office

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

The Acton Board of Selectmen will hold a public hearing on November 17, 2008 at 8:00 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the Site Plan Special Permit application under Section 10.4 of the Zoning Bylaw to construct a 6400 square foot addition to the existing office Building at 525 Main Street, Acton, MA 01720. The application and accompanying plans by 88 Champs, LLC, can be inspected in the Building Department at the Town Hall during normal business hours.

ACTON BOARD OF SELECTMEN

5

Christine Joyce

From: caster523@aol.com
Sent: Wednesday, November 26, 2008 11:06 AM
To: Board of Selectmen; Scott Mutch
Cc: tomhen2001@yahoo.com
Subject: 525 Site Special Permit

To: Board of Selectman and Scott Mutch

Attached are issues and concerns regarding the Site Special Permit application filed by Level 1 Design for the 6400sq ft new building. I've also attached requests on behalf of Tom Hennesey regarding the Permit and construction being proposed.

I wanted to send them to you so you had a chance to review them for Monday's meeting.

A separate email was sent to Dan Campbell from Level 1 design with the same attachments

Thank you for these considerations

Tim Doncaster
523 Main St
Acton MA 01720

Tis the season to save your money! Get the new [AOL Holiday Toolbar](#) for money saving offers and gift ideas.

11/26/2008

>
>
>
> Tim,
>
>
>
> 1. On Page 1 of the " Narrative to support an
> Application for a Site Plan
> Special Permit for 525 Main Street, Acton, MA ", the
> second sentence from the
> top reads as follows:
>
> " The Construction will include the demolition and
> construction of a new retail
> building associated parking and utilities "
>
> I would request that Level 1 Design Group remove the word
> " RETAIL " and replace
> with " Office Building ", and then re-submit this
> application without the word
> retail in it.
>
> 2. I would request that Trees are implemented per Tim
> Doncaster's specification
> along the border property line.
>
> 3. I would request that the height of the new building be
> the same as the
> present building in place already
>
> 4. I would request that their be no construction work
> before 7:30 AM on
> Weekdays, and 8:00 AM on Weekends, and lasting no later
> than 6:00 PM at night,
> to help keep noise pollution down.
>
> 5. I would request that Level 1 Design Group and all
> construction teams working
> the site commit to an End of Day inspection to insure that
> all Construction
> debris is emptied into the Trash Dumpsters provided for the
> construction, and
> that no debris has blown over to 521 or 523 Main Street
> property.
>
> Sincerely,
>
> Tom Hennessey

Site Plan Special Permit Application for 525 Main St Acton MA

Submitted by Level Design Group LLC September 30th 2008

Being a direct abutter to the 525 Main St and Site Plan and Special Permit Application along with correspondence from town official's and conversations from the Board of Selectman meeting on November 17th raises serious concerns about the project and the impact to the area that surrounds the property. This property is currently listed as two zones Light Industrial 1 and Residence 8/4. The Site Special Permit lists the addition to building as a 6400 sq addition which essentially doubles the footprint of the building on the property. The application lists demolition and construction of a new retail building. There is no specific documentation on the plan about what will be demolished on the property. **As an abutter I would like to be informed of the specific demolition being proposed on the property.** During the meeting Dan Cambell a Civil engineer representing Level Group noted that the property would be used for office space use and the addition was designed in recognition that Retail Space was not a feasible plan because of the location, traffic concerns, noise and parking. They wanted a building that was more suitable to the neighborhood and surrounding area. **The applicant should resubmit or provide documentation stating this and note the change from New Retail Building to Office Space as a permanent town record.**

The permit includes an area for any site plans that have been previously filed for this site and list the file number. The application references that the building has been renovated both internally and externally over the last two years and includes the replacement of the existing subsurface sewage system disposal in accordance with plans from Foresite Engineering and approved by the Acton Board of Health. *There are no file numbers given on the permit. The applicant should be required to list the previous plans for this site as part of the permit.*

Notes of concerns from the Town officials comments on the Permit application

Planning

Board

Note: Various departments commented on the proposal including the Tree Warden and there is no documentation from the Tree Warden.

1. The planning board has a concern the building is on the edge of the allowance to the permitted F.A.R. There is no building height listed and the planning states "Prior to Building permit approval the applicant must provide clear detailed sq footage calculations for the existing and proposed in order to determine the proposed F.A.R." *This should be part of the Special Permit to approval determine if it meets the requirements not as part of the Building Permit since this is a primary bases of the Special Permit. (10.2.1)*
2. The proposed site plan indicates there will be a garbage dumpster and enclosure, underground pipes and drains as part of the new parking lot on the residentially zoned portion of the site. It

states the applicant may be applying to the Town Zoning By Law section 2.3.4. *The zoning By Law that is being referenced states that the applicant can use up to 30 ft. of owned residential property other than an overlay district boundary. I interpret this as they cannot use the Residential zoned lot as part of the plan if it's in an overlay district. Under Section 2.1 of the Town By Laws Overlay Districts are listed and Affordable Housing is listed as an Overlay District. According to the Town Zoning map of 2006 the Residential portion of the lot is in an Affordable Housing Overlay District.*

3. No Landscape plan has been submitted. *This should be done and let the abutters have a chance to review as part of the Application for Site Special Permit. No lighting plan. This should be done and let abutters have a chance to review as part of the Site Special Permit. Request all lighting be fully shielded on the current and future building.*
4. Applicant should construct a sidewalk on Main St. *Where would this be located? Or make a contribution to the Town's sidewalk fund. Would the area residents be able to provide input on where the sidewalk could be proposed?*

Health Department

Existing dumpster placed in residential zone. *Can a LI zone site store solid waste in a residential zone? Dumpster location should be documented on the plan before approval by the Board*

Sewage force is located on both Light industrial and Residential zones. *Plan File number should be listed as part of the Special Site Permit.*

Lynne Alpert Comments No department listed.

States the plans were at town hall since May of 2007 and there has been no contact by owner or developer to neighborhood residence of this proposal for input since the abutters noticed Oct 17th 2008

Building Department- Frank Ramsbottom

No comments or objections? Could the building commissioner provide comments either positive or negative for the BoS especially in light of the 42 points of interests from the Engineering Department. Additionally building is located near Acton Center will impact area leading to the town center.

Water Department

No notes

Fire Chief

Made no comments or objections. *The engineering departments comment number 18 states the Fire Chief will need to review the plan to ensure they have sufficient access for a Fire Truck. There is no turnaround area for a fire truck. Additionally they are proposing an 11 degree ramp to the new 4.5 degree parking area. Will this be an issue getting Fire equipment behind the Building or will the building burn down because of lack of access?*

Municipal Properties Director

Lists the site as a 40B, Board of Selectman member stated this was a mistake? This comment should be reviewed by the author and verify it is a mistake to document that there are no other plans that are related to this site that could have been reviewed.

1. Notes there is considerable distance, elevation change and vegetation between proposed addition and any residential neighbors to the south or east. Official does not feel extensive screen would be called for in this instance.
Substantial screening was completely removed when the new septic system was installed. I would request screening to promote what existed before the new owners removed an extensive amount of trees on the property. Additionally the elevation was changed in the septic area and overburden was pushed towards residential property areas creating a different landscape for the area.
2. Note: The stonewall should be moved back onto the property and rebuilt to allow a sidewalk. Sidewalks also should be considered going to the town center. *Doubling the size of the building could add an additional 5 business would increase foot traffic in the area. The sidewalks going to town hall are currently very narrow in areas leaving pedestrians only a few feet from 35 to 50 mph traffic on Main St.*
3. Notes landscape plans need to be provided and Tree plantings on the front of the site. *Screening on the residential side should also be required and documented on the town plans.*

Engineering Department

Listed 6 pages and 42 items the applicant has not responded to. The applicant stated they will respond to all of the Town Engineers comments.

The neighbors in the area and abutters should have adequate time to review and respond to the applicant's responses and time to review any new comments from

Some of the noted comments that are a concern

15. Setbacks for proposed parking are not documented. *Should be documented on Site Special Permit.*
- 17 Business sign is not on the plans. *This should be documented on the plan as part of the Site Special Permit*
19. Site distance for a left turn out of the property on 27. *This is a dangerous left turn currently. With traffic on Rte 27 the likelihood of an accident would increase with more cars trying to exit the property.*
34. The location of the garbage dumpster is not on the plans. *Request to be on plans for abutter review.*

36. Landscape plan not included. *This should be included as part of the Site Special Permit and adequate time for the abutters to review considerations*

37. Parking incorrectly labeled

41. Notes documentation needed for erosion control during construction

42. Note: Once the plan is approved by a Massachusetts Licensed surveyor showing the plan detail it should be certified that the building was built according to plans. *What recourse will we have if the builder/ owner do not go by the agreed plans once construction has started?*

Additional comments

It was brought to the attention the Conservation Commission had not made comments and the Board stated they would like the Conservation Commission to conduct a study and provide comments on the Application. There are residential wetlands that abut the property that could be impacted and need to be considered to determine if they could be damaged as part of this project.

Additionally in an off the record meeting with Dan Campbell, representing the applicant, he stated that the application stating Retail space in the application was a mistake and the application did not have to be resubmitted. A Retail space and Office space have different considerations and this should be correctly documented in the Permit Application.

He also stated that he knocked on doors and sent flyers out to neighbors looking for input on the proposal. The neighbors I contacted as well as myself have never been contacted or received any flyers on the project. Comments from town officials indicate this project has been in motion for quite some time.

Tim Doncaster

523 Main Street

Acton MA

Concerns and additional requests regarding proposed Site Special Permit Application on Abutting property

- Lighting (Building currently has unshielded lighting) Request entire building have fully shielded lighting)
- Traffic
- Noise from Air Conditioners or Air Handling systems. (*Should be onsite plans for review*)
- Delivery Truck Noise and hrs of deliveries (See request of construction hrs.)
- Impact to our property and wetlands in the area (Conservation Committee to provide input)
- Drainage and water runoff onto our property (521 and 523 Main St)
- Construction hrs and noise
- Construction environmental impact, Trash and debris.

- Hrs of construction (**Request** construction start no earlier than 7:30 am no later than 6:00pm. Monday thru Friday. Saturday start no earlier than 8:00 and no later than 6:00 No construction work on Sundays)
- **Request** End of work day site inspection to ensure all trash and debris has been put into construction trash containers and no debris is has blown into residential lots. Specifically 521 and 523 Main St.
- Location of Portable bathroom during construction. **Request** the location be opposite Residential areas and not be viewable by residential lots or Main St.
- Project Timeline? **Request** start and completion date.
- **Agreed Conditions and Requests in writing and part of the Special Permit Application Record**