

(#11)
Extra Info
1/26/09

Maryjane Kenney

From: caster523@aol.com
Sent: Monday, January 26, 2009 9:25 AM
To: Scott Mutch
Cc: Board of Selectmen
Subject: Re: 525 Main Street Site Plan Special Permit Draft Decision
Attachments: DRB_Memo_525_Main_Street_121708.pdf

Scott

Thank you for your work and the Boards work on the Site Special Permit and the conditions. I'm pleased to see my concerns, the BOS and Planning Board concerns incorporated into the decision.

The Special Permit Application has Retail listed as its proposed use. A Light Industrial 1 Zone does not allow Retail use. There should be clear documentation of the "mistake" on the Permit. 2.6 lists the existing 10,725 sq being used as office space. Over 3000 sq ft. is being used for a health club which required a Special Permit. Close to 1/3 of the current building is being used outside what the Zoning Use has listed.

At the hearing on Dec 15th the applicant modification on the Sewage system is required. Will that be part of the building permit?

Section 2.3.4 also allows the extended area space to be calculated into FAR calculation?

Conditions 3.3.1

The documentation that was provided during the public hearing did not satisfy the By-Law. They showed common ownership since 1978 which the By Law states it needs to be 1954. Or if there is Amendment changing the Boundaries of one of the zoning districts. The condition is they must provide documentation. What amendment change is being referred too?

I've also attached a letter from the DRB dated 12/17 that was not listed under section 1.2 but was sent to me and the Town Manager on 12/26.

Thank you
Tim Doncaster

-----Original Message-----

From: Scott Mutch <smutch@acton-ma.gov>
To: dcampbell@leveldg.com <dcampbell@leveldg.com>; caster523@aol.com <caster523@aol.com>
Sent: Thu, 22 Jan 2009 4:36 pm
Subject: 525 Main Street Site Plan Special Permit Draft Decision

Tim/Dan,

Please find attached a copy of the Draft Decision for the 525 Main Street Site Plan Special Permit which will be before the Board of Selectmen on the evening of Monday, January 26, 2009 for their review and comment. Unfortunately, the public hearing portion of the proceedings is closed, so no further input from outside sources

1/26/2009

can be heard or taken in by the Board. As previously discussed and promised though, you are being forwarded a copy of the Draft Decision for your records and review so that both of you are kept in the loop as to where things stand and what is happening with the project/application. Should either of you have any comments, questions or concerns regarding the Draft Decision, please email me back directly with your input before 9:00am on Monday, January 26, 2009 so that I may try and address your concerns prior to the Selectmen's hearing later that evening.

Should you have any comments, questions or concerns regarding this matter or any other, please do not hesitate to contact me immediately. Sincerely,

Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner
Town of Acton
Planning Department
472 Main Street
Acton, MA 01720
Tel: (978) 264-9636
Fax: (978) 264-9630
email: planning@acton-ma.gov

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MEMO

Design Review Board

Project: 525 Main Street
Acton, MA

DRB response to comments from Tim Doncaster, 523 Main Street

Date of Review: December 17th, 2008

1. Mr. Doncaster asked to meet with the DRB to review his concerns re: the proposed landscape screening between his property and the proposed addition to commercial property at 525 Main Street; he met with the BoS on this project, December 15th, 2008.
2. Mr Doncaster presented the email from Municipal Properties Director Dean Charter to Lauren Rosenzweig of December 10, 2008. (attached) The DRB concurs with this email that Acton Zoning By-law 10.4.3.6 applies in this situation and that this by-law should be followed as a condition to issuance of Site Plan Special Permit. The DRB regrets they did not know of the by-law previously.
3. The DRB also concurs that "approval be predicated upon the applicant providing a landscape plan that complies with 10.4.3.6, drawn and stamped by a Registered Landscape Architect prior to issuance of a building permit , and that the installation be certified by the same Landscape Architect and checked by the Town prior to the issuance of an occupancy permit." The DRB recommends that this statement be amended to the Special Permit and requests review of this plan at the applicant's earliest convenience.
4. In further considering the adjacency of the residential neighborhood, the DRB recommends that the overall height of the new addition be more consistent with the massing of the existing building; e.g. the addition could be rotated 90 degrees within the building footprint as drawn so that the gable end faced Main Street thus presenting a much lower façade to the neighboring property which would be easier and less costly, to screen. (We recognize this might require reconfiguring of parking currently proposed.)

The Design Review Board
Town of Acton, MA

From: Dean Charter <dcharter@acton-ma.gov>
To: Lauren Rosenzweig <lrs57@comcast.net>
Cc: Scott Mulch <smulch@acton-ma.gov>; Roland Bartl <rbartl@acton-ma.gov>; 'castor523@aol.com' <caster523@aol.com>; Steve Ledoux <sledoux@acton-ma.gov>
Subject: 525 Main Street landscaping
Date: Wed, 10 Dec 2008 4:04 pm

Hi Lauren,

As we discussed earlier this afternoon, I have met with the residential neighbor directly to the south of the subject property, and he has objected to my comments about the adequacy of the buffer planting. I will also note that the Design Review Board, without my knowledge, had weighed in on the landscape plan and, so far as I can understand their comments, even their recommendations would not fully address the neighbor's concerns.

I based my original comments on the fact that there is an extensive hardwood forest located between the proposed expansion and the nearest house, albeit on land not owned by the applicant.

Upon reconsideration, I checked the Zoning Bylaw (section 10.4.3.6), and those Special Landscaping Provisions were written with this exact situation in mind: a Light Industrial District adjacent to a Residential Use. The Bylaw does not seem to provide any wiggle room whatsoever. The applicant must provide a landscape plan that includes both a low (6 foot) opaque buffer, and a higher intermittent buffer. The specifications for such a buffer are included in the Bylaw.

I suggest that the approval be predicated upon the applicant providing a landscape plan that complies with 10.4.3.6, drawn and stamped by a Registered Landscape Architect prior to issuance of a building permit, and that the installation be certified by that same Landscape Architect and checked by the Town prior to issuance of an occupancy permit.

Regards,

Dean A. Charter
Municipal Properties Director