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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager

Date: (revised July 21, 2010)

June 18, 2010

From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner

Subject: Site Plan Special Permit Application #04/30/10-424

Location: 408 Massachusetts Avenue
Applicant: TD Bank, N.A., Two Portland Square, Portland, ME 04101
Owner: NOTCA, LLC., 408 Massachusetts Avenue, Acton, MA 01720
Engineer: Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772
Architect: Bergmeyer Associates, Inc., Architecture and Interiors, 51 Sleeper Street, Boston, MA 02210
Previous Site Plans: #02/22/71-0011
Zoning: Kelley's Corner (KC)
Groundwater Protection District Zone 4
Proposed FAR: 0.067 (maximum is 0.40)
Proposed Uses: Bank (with drive-up facilities)
Map/Parcel: F-3/127
Hearing Date: June 21, 2010
Decision Due: September 19, 2010

Attached are the legal ad, application, plan sheets and interdepartmental review comments received to date. As of this date, comments have been received from the Town of Acton's Design Review Board, Fire Department, Health Department, Building Department, Municipal Properties Director and the Engineering Department. Upon review of the submitted comments, it appears that there could be significant obstacles to overcome before any decision could be granted.

The applicant is proposing to demolish an existing vehicle service station and construct a new TD Bank branch in its place. As per the Town of Acton Assessor's Office information, the subject Site is 1.05 acres (45,738 square feet) in area, has approximately 200'-0" in frontage along Massachusetts Avenue, and is located within the Kelley's Corner zoning district. The existing vehicle service station is approximately 1,576 square feet in size and was constructed in 1962, according to Assessor's Office records.

The Site Plan:

The site plan special permit application proposes to construct a new one-story (23'-6" high), 3,865 square foot TD Bank branch. The proposal also includes a 27 space parking lot and three-lane bank drive-through facility. The current site plan layout places 10 of the parking spaces and the accompanying maneuvering aisle in front of the bank building and directly facing Massachusetts Avenue. This results in the bank structure being set back 75'-0" from the Massachusetts Avenue property line. The remainder of the parking spaces are aligned in two (2) rows running front-to-back along the western side of the new bank structure and are also separated by an accompanying maneuvering aisle. The three-lane bank drive-through facility is located at the rear of the proposed bank structure. A potential future driveway connection easement has also been shown along the eastern side of the property. This is a Zoning Bylaw requirement (5.6.2.2) and necessary in order to facilitate any potential future development of the parcel of land located immediately to the south. Both parcels of land are currently held in common ownership.

The proposed relevant zoning information for the subject site is summarized in the following table:

By-Law Requirements	Required	Existing	Proposed
Min. Lot Area (ft ²)	10,000 ft ²	45,738 ft ²	45,738 ft ²
Min. Lot Frontage (ft)	100'-0"	200'-0"	200'-0"
Min. Front Yard (ft) - North	30'-0"	31.4'	75.9' [*]
Min. Side Yard (ft) – East	NR	76.8'	66.3'
Min. Side Yard (ft) – West	NR	92.2'	81.5'
Min. Rear Yard (ft) – South	NR	Unknown	27.1' ^{**}
Max. Building Height (ft)	36'-0"	Unknown	23'-6"
Max. F.A.R. (Floor Area Ratio)	0.40	0.035	0.09 ^{***}
Open Space	NR	47%	39%
Parking Requirements	Required	Existing	Proposed
Use: Bank (3,865ft ²) 3 spaces/1,000ft ² of N.F.A.	10	NA	27
Kelley's Corner Zoning District Reduction as per 6.9.5.3	7		27

* The front setback is being measured from the Massachusetts Avenue property line to the closest projection of the canopy over the front/main entrance into the proposed bank structure. The proposed canopy projects approximately 4'-6" to 5'-0" outward from the front wall of the bank, meaning the actual bank structure is setback approximately 80'-0" from the front property line.

** The rear setback is being measured from the rear property line to the closest projection of the canopy which covers the three-lane bank drive-through. The actual bank structure is setback approximately 61'-0" from the rear property line.

*** The developable site area is 34,291 square feet. The proposed gross floor area of the structure is 3,865 square feet. The proposed net floor area (as per Bylaw Section 1.3.8) is 3,072 square feet.

Planning Department Comments

1. Existing access from Massachusetts Avenue into the site is through two (2) access driveways. The site plan application proposes to retain the two (2) access driveways and modify the curb cuts onto Massachusetts Avenue in order to provide for a safer and more efficient traffic circulation pattern into and through the site. The proposed distance as measured from the centerline of one access driveway to the centerline of the other access driveway is 132'-0".

Section 6.7.3 of the Town of Acton's Zoning Bylaw states "Each LOT may have one ACCESS driveway through its FRONTAGE which shall be 24 feet wide, unless, in the opinion of the Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Zoning Enforcement Officer (for other parking areas), a wider and/or greater number of ACCESS driveways is necessary to provide adequate area for safe vehicular turning movements and circulation. An ACCESS driveway for one-way traffic only may be a minimum of 14 feet wide. There shall be no more than one additional ACCESS driveway for each 200 feet of FRONTAGE and all such additional ACCESS driveway(s) shall be at least 200 feet apart on the LOT measured from the centerline of each ACCESS driveway."

In this instance, the Board of Selectmen, acting as the Special Permit Granting Authority, could find that the two (2) access driveways with a distance separation less than the minimum required to provide access to the site from Massachusetts Avenue is necessary and acceptable.

COMMENT REMAINS

2. ~~The proposed site plan calls for a three-lane drive-through facility at the rear of the property with an additional bypass lane to allow for traffic circulation around the drive-through facilities. The bypass lane as currently identified is 10'-0" in width.~~

~~Section 6.7.4 of the Town of Acton's Zoning Bylaw states "Interior driveways shall be at least 20 feet wide for two-way traffic and 14 feet for one-way traffic."~~

~~The bypass lane should be modified to comply with the 14'-0" minimum width or the applicant may wish to seek a variance from the Zoning Board of Appeals.~~

ADDRESSED

3. ~~As per Section 6.3.1, banks require 3 parking spaces per 1,000 square feet of Net Floor Area. The proposed bank structure is indicated as having 3,072 square feet of Net Floor Area which requires a minimum of 10 parking spaces. Section 6.9.5.3 of the Bylaw states "The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1". This produces a minimum parking requirement of 7 spaces. The applicant is proposing to provide 27 parking spaces. The Zoning Bylaw does not provide for a maximum number of parking spaces, only a minimum.~~

The revised plans have reduced the overall number of parking spaces to 26.

4. ~~The June 1995 "Kelley's Corner Specific Area Plan" recommends that sidewalks within the Kelley's Corner zoning district should be a minimum of 6'-0" in width and should be~~

constructed of concrete. The site plan application proposes a 6'-0" wide asphalt sidewalk across the width of the Massachusetts Avenue frontage. The Board of Selectmen could require that the plans be modified to comply with the 6'-0" wide concrete sidewalk recommendation.

ADDRESSED

5. The applicant should submit an outdoor lighting plan for the Site that demonstrates compliance specifically with Section 10.6.3.2 of the Zoning Bylaw. The plan should very clearly indicate each of the applicable activity areas identified within the Bylaw. The lighting plan shall be certified to be valid and correct by its designer.

This comment has been partially addressed at this time. The applicant has provided the necessary calculations for the individual activity areas and appears to have achieved compliance with the Bylaw requirements. However, there is no indication as to method of screening to be utilized for the proposed outdoor luminaires. This is minor in nature and could be conditioned as part of any decision and provided for staff approval prior to building permit being issued.

6. Although there is signage shown as part of the application submission, there is no signage being reviewed, commented on, or approved under this Site Plan Special Permit. Signage requires separate administrative sign permits, some which may require further sign special permits from the Planning Board or other municipal boards.

COMMENT REMAINS

NOTE: Although the Engineering Department has not completed its review of the revised plans, the Planning Department has reviewed the list of outstanding comments and feels that the majority of the comments have been addressed. The other remaining outstanding comments appear to be minor in nature and could be conditioned as part of any decision being issued.