



TOWN OF ACTON
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PLANNING DEPARTMENT

Zoning Board of Appeals

Staff Report & Recommendation

**TO: Chairperson and Members
Board of Appeals**

**DATE: July 30, 2010
July 8, 2010**

**FROM: Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner**

**SUBJECT: Hearing #10-07, July 12, 2010
99 Parker Street, Acton, MA 01720
Comprehensive Permit Application under MGL Ch. 40B**

Location: 99 Parker Street
Applicant: 99 Parker Street, LLC.
Mark A. Starr
22 Elm Street, Acton, MA 01720
Owner: Jeanne Potter
99 Parker Street, Acton, MA 01720
Engineer: Meridian Associates, 69 Milk Street, Suite 302, Westborough, MA 01580
Architect: Space Craft Architecture, 5 Raymond Street, Lexington, MA 02421
Units: 5 Units Total (3 of the units – including the existing home - shall be market rate; 2 of the units shall be affordable units)
New Street: None
Legal Description: Middlesex South District Registry of Deeds: Book 24587; Page 369;
Plan: 421 of 1980
Town of Acton Atlas: Map I-3; Parcel 8
Zoning: R-4 Residential Zoning District
Groundwater Protection District Zone 3
Hearing Date: **August 2, 2010 (Original Hearing Date: July 12, 2010)**

Please accept this correspondence as supplemental information to the previous memo issued by the Planning Department which was dated July 8, 2010.

Please find attached the Comprehensive Permit Policy evaluation sheet for this project.

SUMMARY

The proposed project is a 5-unit condominium community project already approved by the Department of Housing & Community Development under the Local Initiative Program within the Town of Acton. The project consists of a total of five (5) 3-Bedroom single family residences. Four

of the dwellings are to be new construction and the fifth is an existing farmhouse structure which will be renovated and remodeled.

The site consists of approximately 1.42 acres (61,912 square feet) of land with a river and wetlands running through the center of the property. The subject property is bounded to the north by one additional residential property and then the Massachusetts Bay Transportation Authority railroad corridor. The southern and western sides of the property are bounded by Town of Acton owned conservation land. The eastern side of the property is bounded by Parker Street.

The site is located in an R-4 residential zoning district and is located in the Groundwater Protection District Zone 3. The overall project design and scale do not detract from the neighborhood character and incorporate some of the design elements discussed in the comprehensive policy.

STAFF ANALYSIS

General Notes:

- 1) The applicant had a telephone conversation with the Town of Acton's Natural Resources Director and the acting Town Engineer on Wednesday, July 21, 2010 to discuss outstanding comments/concerns. A subsequent letter resulting from that meeting was submitted by the applicant via email to the BOA on Tuesday, July 27, 2010. Unfortunately, the acting Town Engineer is currently out of the office and will not return until August 2, 2010. It is unrealistic to expect that the Engineering Department would be able to review the memo and provide feedback and comments to the BOA prior to the scheduled hearing that evening.
- 2) The applicant's response letter proposes to address a number of the Engineering Department's outstanding issues/concerns by adding notes to or making the requested changes on a "Final Set of Plans". I would recommend that all requested plan modifications be made by the applicant at this time. Revised plans would be submitted to the BOA allowing for review and comment before closing the public hearing. This allows for any potential Comprehensive Permit to be as short, clear and concise as possible.

PREVIOUS PLANNING DEPARTMENT COMMENTS:

- 1) The applicant shall either revise the plans in order to comply with the Town of Acton's Zoning By-Law requirements or request additional waivers from the following Zoning By-Law sections:
 - 1) 3.3 Residential Uses - Not more than one building for dwelling purposes shall be located upon a lot.
 - 2) Table of Standard Dimensional Regulations – Min. Front Yard Setback of 45'-0".
 - 3) Table of Standard Dimensional Regulations – Min. Side Yard Setback of 20'-0".
 - 4) Table of Standard Dimensional Regulations – Min. Rear Yard Setback of 20'-0".
 - 5) Section 6.5 - Standard Parking Dimensional Regulations – Minimum parking stall length of 18'-6".

6) Section 6.5 - Standard Parking Dimensional Regulations – Minimum width of maneuvering aisle of 24'-0".

As of the time of this memo being drafted, the applicant has not yet provided any documentation regarding this comment. The applicant either must revise the plans to comply with Zoning requirements or submit the necessary waiver requests.

- 2) The applicant needs to provide a breakdown within the legal documents indicating how the condominium fees and common land ownership costs are allocated among the individual units.

As of the time of this memo being drafted, the applicant has not yet provided any documentation regarding this comment.

- 3) Typically, a condition of a special permit approval is for the applicant to construct a sidewalk either along the site frontage(s) and interior roadway, or in the local area, or contribute money to the Town sidewalk fund. In this instance, staff recommends the applicant provide a contribution to the Town sidewalk fund.

As per the response letter from Meridian Associates, the applicant has agreed to submit a contribution to the Town of Acton's Sidewalk fund. The amount of such contribution shall be determined by the Engineering Department and be paid prior to any building permit being approved or issued.

- 4) See additional notes/comments provided on pages 4 and 5 of the Comprehensive Project Evaluation Summary Chart attached.

As of the time of this memo being drafted, the applicant has not yet provided any documentation regarding this comment.