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September 14, 2010

Board of Appeals
Town of Acton
472 Main Street
Acton, MA 01720

RE:
COM

**RE: COMPREHENSIVE PERMIT APPLICATION –**

**McCARTHY VILLAGE II, BOARD OF APPEAL HEARING 10-08**

Dear Members of the Zoning Board of Appeals:

Enclosed please find 4 sets of revised plans and one disk containing electronic files submitted for the above-referenced comprehensive permit application. This submission is dated 15 September and includes a complete set of all drawings, with revisions as requested by the Town of Acton Planning and Engineering Departments in review memos dated 30 July 2010, 10 September, and 13 September 2010.

Please note that we are making a complete resubmission of all drawings to insure there is no confusion as to which version of the proposed plans is most current, but these drawings are identical to previous submissions except as specifically noted below.

**Responses to Planning Department Comments (30 July and 10 September)**

1. On the Plan, the "total open space" and "dwelling unit density" listed on Sheets A-2, C-1 and C-2 are different. The applicant's engineer/surveyor should check and correct the numbers on all sheets.

   ***Response: The "Total Open Space" and "Dwelling Unit Density" figures have been verified, corrected, and coordinated among the three drawing sheets. See revised Sheets A-2, C-1, and C-2, dated 15 September 2010 and submitted with this response, for the corrected figures.***

2. The applicant needs to request a waiver from the minimum parking space requirements of Acton Zoning Bylaw (Bylaw) Section 6.3.1.1. The Bylaw requires two spaces per dwelling unit (resulting in 94 spaces for the entire property). Only 71 spaces are provided for the entire property.

   ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

3. The applicant needs to request a waiver from the Acton Subdivision Rules and Regulations Section 8.1.7 — "adjacent street intersections along an existing and/or proposed arterial or collector street shall have a minimum centerline offset of 1000'." The project's driveway is located within 1000' of both Harris Street and Nonset Path.

   ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

4. The property is partially located in the Policy's "Area with Poor/Limited Sustainability for Higher Density Housing" (based on habitat areas related to Will's Hole). The property and surrounding areas have already been compromised by development. Based on the Plan, the applicant is proposing to keep a significant portion of the property as undisturbed open space. If this is accurate, and the Plan is labeled accordingly, staff believes the proposal won't significantly compromise the habitat area.

   ***Response: Existing forested areas are identified to remain undisturbed on site plans A1.1 and A-2 and Planting Plan L1.1, all dated 15 September 2010 and submitted with this response. In addition, Sheet C-7 - Erosion Control Plan delineates the Limits of Work; note that the forested area is undisturbed.***

5. In the Development Impact Report (DIR), #26, the applicant provides traffic estimates for the proposal. The estimates do not appear consistent with the rates provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The applicant should explain the methodology used to determine trips generated from the proposal.

   ***Response: In the existing development, only one third of the seniors own cars and the remainder use the Senior Shuttle. Of the families in the development, the average is one working adult per household, which translates to 12 additional peak hour car trips attributable to the proposed new development. This number was doubled to provide a safety margin.***

   ***Planning Department memo dated 10 September states that it will defer to the Engineering Department on this determination. The Engineering Department has raised no concern regarding the traffic estimate.***

6. The Planning Department staff read the Sidewalk Committee's recommendation that the applicant make a contribution to the Town sidewalk fund for Great Road sidewalk construction. However, the property does not have any frontage along a road (it is an easement) and Town regulations discuss providing sidewalks along the site's frontage on a road. As a compromise, and so the existing sidewalk will reach more residents in the development, Planning staff recommends that the sidewalk leading from Great Road, along the property driveway, be extended to the existing duplexes on the property. In addition, it would provide a sidewalk adjacent to the mailboxes so residents have a safer place to access their mail.

   ***Response: The project team agrees with the Planning Department regarding the desirability of sidewalks. The proposed design, however, does not incorporate sidewalks as they are outside the scope of the proposed work and no funding is available for them.***

7. The application states that the project will use Energy Star appliances and that the project will be LEED-certified under the LEED for Homes program. Staff supports these efforts because they could lead to lower costs for residents.

   ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

8. The property is located in a "Post-contact Archaeological Moderate Sensitivity area" according to the Archaeological Reconnaissance Survey Report done for the Town of Acton in 2008. The Town currently does not have any regulations in place regarding potential archaeological areas. Staff just wanted to inform the applicant and Board of this information.

   ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

9. The handicap ramp/access area in front of Building A should be positioned in the third parking space directly across from the walkway to Building A and the handicap spaces should be located on either side of the ramp. Repositioning the ramp and relocating the spaces provides a direct route to the Building A walkway and entrance, and moves both spaces fairly close to the building walkway.

   ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

10. Pervious pavers are proposed for the parking spaces in front of Buildings A, B, and C. Why are pervious pavers proposed for those parking spaces and not others?

    ***Response: The proposed pervious pavers were originally proposed in front of only buildings A, B and C because these areas are in the location of a fill condition and provide better drainage characteristics than the parking areas for Buildings D and E.***

    ***Planning Department memo dated 10 September states that it will defer to the Engineering Department on this determination. The Engineering Department has raised no concern regarding the location of pervious pavers.***

11. If pervious pavers are used in front of Building A, the pavers could cause problems or difficulties for persons with disabilities. The Plan should be modified to show the handicap ramp/access area paved with the same materials as used for the driveway.

    ***Response: The proposed pervious pavers have been relocated from the parking area at building A to the parking area for Buildings F. See sheets C-2 and C-3, both dated 15 September 2010 and submitted with this response.***

    ***Planning Department memo dated 10 September states that it will defer to the Engineering Department on this determination. The Engineering Department has raised no concern regarding the location of pervious pavers.***

12. Stairs lead to the entrances of Building A. Since Building A is designed for persons with disabilities, handicap accessible ramps should be located at the building entrances rather than stairs.

***Response: We have corrected the drawings and we have removed the steps from the entrance to the accessible apartment in Building A. The entrance is fully accessible and meets requirements of 521 CMR applicable to this project. Refer to revised Sheets A2.1 and A3.1 dated 15 September 2010 and submitted with this response.***

***Please note that we are showing steps off the accessible unit's rear deck down to finish grade at the rear yard. The deck is fully accessible from within the apartment, but the steps off the deck are not required to be accessible.***

13. Building A presents a fairly large blank wall to the parking lot. To provide more architectural interest and detail, and in keeping more with the Policy's Visual Preference Survey preferred designs, staff recommends a window be located to the left of Building A's front door (if you were standing in the parking lot facing the door).

    ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

14. How is waste disposal handled on the property?

    ***Response: Planning Department memo dated 10 September states this issue is resolved and no further action is required.***

15. Is any outdoor lighting located on the property and/or proposed of the site? If so please explain where and the types.

    ***Response: Please see revised sheets E-1 and XX dated 15 September 2010 and submitted with this response for outdoor lighting locations and details. As indicated thereon, pole-mounted site lighting fixtures are to be PROV-T5-60LED-BW by Architectural Area Lighting. These fixtures will illuminate parking and walkway areas. E-1 contains calculations demonstrating conformance to the Town of Acton's Zoning Bylaw 10.6.3 (Total Site Power Limits).***

    ***Building mounted porch lights will be selected prior to filing for a building permit, and will fully comply with the requirements of the bylaw.***

16. Because the proposal is located in between established neighborhoods, staff recommends that additional landscaping be planted to help screen the project from the neighbors.

    ***Response: Additional landscaping has been provided to help screen the project from the neighbors. 27 additional trees and 90 shrubs have been added. See revised Planting Plan L1.1 dated 15 September 2010 and submitted with this response.***

17. Staff supports the idea of a play area and recommends that the play area be constructed as part of Phase II if possible.

    ***Response: The Applicant does not intend to build a play area. All references to a possible future play area have been removed from the drawings included with this response.***

18. The property abuts Town conservation land. A trail should be provided extending

from the parking lot to the conservation land for McCarthy Village residents.

***Response: The is currently a foot path that runs through the forested area. The foot path in the forested area will remain.***

19. Please see the attached project evaluation form for additional staff comments.

***Response: The project team has noted the Project Evaluation Summary. Our responses are as follows:***

4. The plan does not indicate whether the landscaping utilizes low-water use plantings. The Planning Department defers to Dean Charter, the Tree Warden, to make a determination on this issue.

***Response: The proposed planting is low-water use, and no permanent landscape irrigation system is proposed in the design. We used information provided by websites at the University of Massachusetts Landscape, Nursery and Urban Forestry Program and the University of Rhode Island Horticulture Program to determine drought-tolerance for the trees. We have received informal comments from the Town of Acton Tree Warden that the proposed planting plan is acceptable.***

5. The Planning Department assumes the use restriction will be perpetual but cannot find this restriction in the documentation provided.

***Response: The use restriction related to this zoning application, which is that 100% of the units will be restricted to households with incomes below 80% of area median income, will be perpetual.***

***This requirement will be articulated in the Affordable Housing Restriction. The Affordable Housing Restriction will be signed by the Acton Housing Authority, the Town of Acton, and all funders (Massachusetts Housing Partnership and Department of Housing & Community Development). The other funders' requirements may be time-limited (e.g. 30 years), but the restriction prepared for this project will state that the requirement that all units be leased to households with incomes below 80% of AMI will be perpetual.***

***For as long as there are Section 8 vouchers for the project (we have an initial term of 10 years), the units will be rented to households with incomes below 50% of median income. Since the ability to rent to households of such low income is tied to the existence of Section 8 vouchers, this restriction cannot be perpetual.***

6. The Planning Department staff defers to Nancy Tavernier with the Acton Community housing Corporation (ACHC) to determine if the project team includes person / organization with prior affordable housing lottery experience.

***Response: The Applicant will hire a lottery consultant who meets DHCD requirements, including prior experience administering at least three affordable housing lotteries. This person or organization will be selected once the project is in construction, as lottery consultants will not submit proposals this far in advance of construction.***

20. If the issues listed above are addressed, along with other staff/agency/Counsel comments, the Planning Department recommends

project approval for the following reasons:

* While not within a preferred location under the Policy, it is reasonably close and near service and retail establishments and other amenities.

* In April 2009 and April 2010, the voters at Annual Town Meeting awarded the AHA with Comprehensive Preservation Act (CPA) funds for the project totaling $400,000; showing the Town's desire for the project to move forward.

*The Policy gives preference to projects with more than (the minimum) 25% of the units as affordable and serving low income households. Typically Chapter 40B and other affordable housing projects tend to only provide 25% of the units within the project as affordable and serve primarily moderate income households. This project helps satisfy a housing need in Acton by making 100% of the units serve low income households.

* The Policy encourages a mix of unit styles and sizes. The project is comprised of two and three bedroom units and includes one wheel chair accessible unit.

* The proposed building designs and site layout appear to blend well with the existing buildings and layout. The designs are also similar to highly-rated residences in the Policy's Visual Preference Survey.

* The gross floor area ratio (FAR) of the site and for the entire property complies with the Policy's maximum FAR of 0.25.

***Response: No further action required.***

Please see the enclosed letter from Allen & Major Associates, Inc. (project Civil Engineer) addressing the Engineering Department's comments.

We trust that this response and the accompanying documents will fully address all of the Planning Department's remaining questions concerning this submission. Please call Bennie Ber or me with any questions.

Respectfully submitted,

Stephen D. Baker
Principal