



**TOWN OF ACTON**

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**Zoning Enforcement Officer**

**INTERDEPARTMENTAL COMMUNICATION**

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

**Date:** July 30, 2010

**Revised:** September 10, 2010

**September 17, 2010**

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

**Subject:** **McCarthy Village II (15 – 26 Sachem Way)**  
**Amendment to a Comprehensive Permit Application under MGL Ch. 40B**  
**Revised Planning Department Staff Comments**  
**Board of Appeals Hearing #10-08**

Below is a summary of the McCarthy Village II Comprehensive Permit amendment proposal. Following the summary are Planning Department comments and the project evaluation form. Comments were received from other Town departments, Town Counsel, and other agencies. The applicant should address all comments received.

**Location:** 15-26 Sachem Way  
**Map/Parcel:** C-5/16  
**Tract Size:** 2.5 acres (entire site is 6.43 acres)  
**Number of Units:** 12 new units (35 existing units)  
**Zoning:** Residence A (R-A)  
Groundwater Protection District (GPD) Zone 4  
**Applicant/Owner:** Acton Housing Authority, 68 Windsor Ave, Acton, MA  
**Public Hearing:** **Original Hearing - August 2, 2010 (8:30 PM)**  
September 13, 2010 (Continuance)  
**September 13, 2010 (2<sup>nd</sup> Continuance)**

**Project Summary**

The Acton Housing Authority (AHA) owns 35 affordable rental units on 6.43 acres on Sachem Way in Acton. Twenty three (23) of the units are located in one building for the elderly and the other 12 units are for persons of any age located in six duplexes. The project was approved under a comprehensive permit in 1984. The Authority is currently proposing an amendment to the 1984 comprehensive permit to add 12 new dwelling units (six duplexes) on 2.5 acres of the Authority's property (the "site") resulting in a total of 47 units on 6.43 acres.

The project is outside Acton's Comprehensive Permit Policy (Policy) preferred locations for affordable housing. However, it is near a preferred location (within 3/4 mile of North Acton Village) and close to some service and retail establishments along Great Road. Directly adjacent to the site are residential neighborhoods and open space. The site is also within +/-3/4 mile of the North

Acton Recreation Area (NARA) via walking trails through Town conservation land and Town Forest.

The proposed units will be a mix of styles and sizes. The project is comprised of two and three bedroom units and includes one wheel chair accessible unit. Please see the attached site plans and architectural drawings. One hundred percent (100%) of the units would serve low income households.

### **Planning Department Comments**

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.

9/17/10            No further comment required. The applicant has resubmitted all three pages (A-2, C-1 & C-2) and the information identified above has been revised to now be consistent on all pages.

9/10/10            Sheet C-1 WAS NOT resubmitted.  
Sheets A-2 & C-2 have been corrected so that the information on both pages is consistent.

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.

No further comment required. Applicant submitted additional waiver request at August 2, 2010 meeting.

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.

No further comment required. Applicant submitted additional waiver request at August 2, 2010 meeting.

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.

9/17/10            The Plans have not been revised to identify the requested delineation of the “Area with Poor/Limited Sustainability for Higher Density Housing” as it relates to the Will’s Hole habitat area. The reason Staff has requested that the applicant very clearly and properly identify and “mark on the ground” this area, is so that the Board of Appeals can be adequately informed about the potential impact of the proposed project on the Habitat area. The project proposes to further remove and reduce the area and overall amount of the

existing forested open space, and it is important that the Board of Appeals clearly understand these actions and the resulting consequences in order to move forward and make an informed decision.

9/10/10 The Plans have not yet been revised. The Plans should be labeled accordingly to clearly delineate the referenced area.

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.

9/17/10 Although the applicant has provided an explanation, it does not seem to adequately address or satisfy the comment. Staff respectfully disagrees with the applicant's response as it pertains to "seniors" and the current lack of vehicle ownership. Staff does acknowledge the fact that the "L-shaped" building at the front of the property is a multi-story "senior" building, however, the remainder of the property and structures (both existing and proposed) are single family dwellings with trip generations of approximately 10 trips per household per day. Staff also acknowledges that this may be insignificant and not drastically alter the ultimate outcome or decision regarding this application.

9/10/10 The Applicant has provided a response to this comment, but Planning Department Staff would defer to the Engineering Department for final determination.

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.

9/17/10 Staff recommends that the sidewalk leading from Great Road, along the property driveway, be extended through the entire property in order to tie everything together. Its creation would provide a sidewalk adjacent to the mailboxes so residents have a safe place to access their mail. The applicant has obtained additional funding for this project, some of which could be put toward the construction of this sidewalk.

9/10/10 The Applicant has acknowledged this comment and agreed to provide a contribution to the sidewalk fund. This comment will become a Condition of the final Comprehensive Permit Decision.

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.

No further comment required. This comment will become a Condition of the final Comprehensive Permit Decision.

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.

No further comment 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.

No further comment required. The plans have been revised to address this comment.

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?

9/17/10 No further comment required. The use of pervious pavers is required to permit stormwater infiltration and allow the proposed project to obtain compliance with the groundwater recharge requirements.

9/10/10 Planning Department Staff would defer to the Engineering Department for final determination.

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.

9/17/10 No further comment required. The plans have been modified and there are no longer pervious pavers being utilized in front Building A. The pervious pavers are being utilized in front of Buildings B, C & F.

9/10/10 Planning Department Staff would defer to the Engineering Department for final determination.

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.

9/17/10 The applicant has provided a response to this, but it is still unclear whether or not the revised drawings have adequately addressed this comment.

9/10/10 It is unclear from the revised drawings submitted, as to whether or not this comment has been addressed. The drawings require more clarity with regards to this comment.

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).

No further comment required. The Applicant's architect has revised the elevation drawings in order to address this comment.

14. How is waste disposal handled on the property?

No further comment required. Applicant has stated that there will be curb side garbage pick-up.

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

9/17/10 The applicant has adequately addressed the overall Site Power Limits requirements. The only other general note staff would recommend is that any other lighting be residential in nature and fully comply with the requirements of Section 10.6.1.1, Table 1.

9/10/10 Although a Lighting Plan has been submitted, it is unclear if the proposed complies with the requirements of Section 10.6.3 and 10.6.4 of the Zoning Bylaw. The Bylaw requirements are identified below. Should the Applicant not be able to comply with all of the outdoor lighting requirements, a waiver could be requested.

### 10.6.3 Total Site Power Limits

10.6.3.1 This section regulates the total amount of lighting that may be used on a LOT. For simplicity, this is accomplished through regulation of the total amount of outdoor LAMP watts installed on the LOT, instead of the total lumen output. An OUTDOOR LIGHTING installation complies with this section if the actual Total Installed Watt Ratings of all LAMPS is no greater than the Allowed Lighting Power. Ballast and transformer power is not counted in this total.

10.6.3.2 The Allowed Lighting Power shall be the sum of contributions calculated according to the Activity Areas listed in sections 10.6.3.2 a) through f) below. Only those spaces on a LOT, which are covered with impervious materials, shall be counted towards Activity Areas. Activity Areas on a LOT shall be clearly marked and labeled on the Site Plan. There shall be no overlapping Activity Areas. For a space to be included in the total of an Activity Area, a LUMINAIRE must be within 100 feet of any such space.

a) Parking lots, driveways, walkways, bikeways – 0.1 watts per square foot of the area of parking lots, driveways, walkways, bikeways, and any other outdoor impervious surfaces on the LOT. These Activity Areas include a 5-foot wide margin of grade or landscaping around the impervious surfaces.

- b) BUILDING entrance areas – 13 watts per linear foot of the width of all doors, plus six feet per door.
- c) BUILDING CANOPIES – 0.4 watts per square foot of the ceiling area of walkway CANOPIES. For portions of BUILDING walkway CANOPIES extending over an entrance area, the Allowed Lighting Power may be regulated by section 10.6.3.2.b) above.
- d) Retail sales CANOPIES - 0.9 watts per square foot of the ceiling area of service station and retail sales CANOPIES. Retail sales CANOPIES are covered spaces that are used for display or dispensing of products for sale.
- e) Retail sales frontage – 20 watts per linear foot of sales frontage. Sales frontage is measured along the edge, as viewed from a STREET, of a paved or otherwise improved area used exclusively for the display of vehicles or other large objects for sale. For this purpose, sales frontage shall be assumed to be 20 feet deep.
- f) OUTDOOR SALES AREA – 0.8 watts per square foot times the area of the OUTDOOR SALES AREA. This area shall be specifically for the display and storage of vehicles, structures, or other large objects offered for sale, and shall not include driveways, walkways, service areas, storage, or other uses.

10.6.3.3 Unlit areas of the LOT may not be used to calculate Allowed Lighting Power. An illuminated area of the LOT is defined as within 100 feet of a LUMINAIRE on the LOT, or, if under a CANOPY, within 25 feet of a LUMINAIRE mounted under the CANOPY.

#### 10.6.4 Lighting Plan

10.6.4.1 A Lighting Plan shall be included in all applications for a Site Plan Special Permit that proposes new or replacement lighting installations. For initial developments of land, a major modification (more than 25% of LUMINAIRES being modified or replaced), or a major addition (more than 25% increase in the number of LUMINAIRES), this lighting plan shall be certified to be valid and correct by its designer. The Lighting Plan shall contain:

- a) On the site plan – the location, height, shielding type of all existing and proposed outdoor LUMINAIRES, and the wattage rating of all LAMPS in each LUMINAIRE, including BUILDING or CANOPY mounted LUMINAIRES. Any existing off-site LUMINAIRES used to illuminate the LOT shall be

included in the Lighting Plan. Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.

- b) Manufacturer's data – For all LUMINAIRES, whose LAMP wattage is greater than Table 1, Column B, the manufacturer's specification data and technical drawings, including the LUMINAIRE LAMP wattage; photometric data showing that the LUMINAIRE is FULLY SHIELDED, including an electronic copy of the IES photometric file, or a reference to the file location on the manufacturer's web site. Manufacturer's photometric specification that the LUMINAIRE is rated IESNA Full Cutoff (FCO) is sufficient to show that it is FULLY SHIELDED. For all LUMINAIRES whose LAMP wattage is less than values shown in Table 1, Column B but greater than values shown in Table 1, Column A, the manufacturer's specification data and technical drawings showing that it meets the definition of SHIELDED LUMINAIRE.
- c) The data of previous sections a) and b) shall be organized into a table, with one line per LUMINAIRE.
- d) Calculations showing that the maximum LIGHT TRESPASS allowed, Sections 10.6.2.2.c) (Light Trespass) and 10.6.2.4.c) (Outdoor Recreational Facilities), will be satisfied by the design.
- e) Calculation of the Allowed Lighting Power for the LOT according to Section 10.6.3 (Total Site Energy [Power] Limits). Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- f) Calculation of the Total Installed Lighting Power from the LUMINAIRES proposed for installation on the Lighting Plan plus any existing LUMINAIRES intended to remain in use, and demonstration that Total Installed Lighting Power does not exceed the Allowed Lighting Power.

10.6.4.2 Submission and subsequent approval of a plan does not relieve the applicant of responsibility to demonstrate conformity to all sections of this bylaw, both in the individual LUMINAIRES as built, and for the entire LOT as built. The designer shall submit an as-built plan that correctly reflects the as-built installation, and shall certify that the as-built installation conforms to the requirements of this 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.

- 9/17/10 As of the drafting of this memo, the Municipal Properties Director/Tree Warden has not provided an official response to the proposed landscape plan. Staff was included on an email chain between the Tree Warden and the applicant where an “informal opinion” was provided based upon drawings provided to the Tree Warden directly and not through the Board of Appeals secretary. Therefore, it is unclear as to what plans were reviewed and if they are consistent with the current submission.
- 9/10/10 The applicant has verbally stated that revised landscaping plans have been prepared with additional landscape buffering between abutting properties. The Applicant has indicated that these plans will be submitted at the September 13, 2010 hearing.
17. Staff supports the idea of a play area and recommends that the play area be constructed as part of Phase II if possible.
- 9/17/10 The Applicant has stated that they do not wish to construct the playground and that there is currently not sufficient funding available. Planning Department Staff still supports the idea of a playground being included within the development. Staff is comfortable with this being something which could be conditioned within a Decision, that if in the future the Applicant wishes to install a playground, they could do so without returning to the Board.
- 9/10/10 The Applicant should revise the plans and provide the play area as requested at this time.
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.
- 9/17/10 Planning Department Staff remains highly supportive of a trail connection being provided at this time. Town of Acton Conservation Land (Wills Hole Conservation Area) immediately abuts the subject property and currently has its own trail system running through it. The existing trail is approximately 350'-0" from the closest edge of the proposed parking area which is located between Buildings C & D. A trail connection would greatly benefit residents and provide them access to a well maintained trail system which extends all the way to the North Acton Recreation Area (NARA Park). The applicant has obtained additional funding for this project, some of which could be utilized in order to construct the trail connection.
- 9/10/10 The Applicant should revise the plans and provide the trail as requested at this time.
19. Please see the attached project evaluation form for additional staff comments.
- <sup>4</sup> The plan does not indicate whether the landscaping emphasizes low-water-use plantings. The Planning Department defers to Dean Charter, the Tree Warden, to make a determination on this issue.

9/17/10 As of the drafting of this memo, the Municipal Properties Director/Tree Warden has not provided an official response to the proposed landscape plan.

9/10/10 Planning Department Staff defers to the Tree Warden/Municipal Properties Director regarding all landscaping questions and review.

<sup>5</sup> The Planning Department assumes the use restriction will be perpetual but cannot find this restriction in the documentation provided by the applicant. The applicant should address this issue.

9/17/10 The applicant has provided a response to this, however, Staff will defer to the Town's legal counsel regarding these matters.

9/10/10 This comment has not yet been addressed or verified by the Applicant.

<sup>6</sup> 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.

9/17/10 The applicant has provided a response to this, however, Staff will defer to Nancy Tavernier (Acton Community Housing Corporation) regarding this matter.

9/10/10 This comment has not yet been addressed or verified by the Applicant.

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.