

Special Permit # 12/29/05-406  
Mill Corner LLC.  
140 Main Street (Foster)  
Acton Massachusetts 01720

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**DECISION** of the Board of Selectmen (hereinafter the Board) on the petition of Mill Corner LLC(hereinafter the Petitioner) for the property located at 140 Great Road. Acton, Massachusetts. Said property is shown on Acton Town Atlas Map H2A Parcel 3.

This Decision is in response to an application submitted to the Board on December 29, 2005 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) to convert the former Acton Music Center and South Acton Universalist Church to six residential dwelling units.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on February 27, 2006 at 7:45 PM, in the Francis Faulkner Room at the Acton Town Hall. Board members Walter Foster, Peter Ashton, F. Dore` Hunter, Lauren Rosenzweig and Andrew D. Magee were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

**Exhibit I**

A properly executed application for Site Plan approval received December 29, 2005, a certified abutters list, legal description, four-sheet set of engineered plans dated December 26, 2005. A landscaping plan dated November 28, 2005. Letters from Maugel Architects Inc. dated February 21, 2006.

**Exhibit II**

Interdepartmental Communication (IDC) from the Town Manager to the Town Staff requesting comments. The following IDC's were received:

1. Building Commissioner dated February 24, 2006
2. Town Planner dated January 31, 2006
3. Fire Chief dated February 6, 2006
4. Municipal Properties Director dated January 6, 2006 rev. February 21, 2006
5. Engineering Department dated January 30, 2006
6. Health Department dated January 3, 2006
7. Transportation Advisory Committee dated January 25, 2006
8. Recreation Director dated January 4, 2006
9. Acton Community Housing Corporation dated February 2, 2006
10. Economic Development Committee dated January 20, 2006
11. Historic District Commission dated January 29, 2006

Exhibit I is hereinafter referred to as the Plan:

**1.0 Findings and Conclusions**

Based upon its review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in South Acton Village Zoning District and Zone 4 of the Groundwater Protection District and the USE is allowed in both the South Acton Village Zoning District and Zone 4.

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- 1.2 There is currently a sidewalk along both Main Street and Central Street. The proposed construction may damage the sidewalk. The sidewalk along Central Street is located partially on the site and partially within the layout. A sidewalk along the entire frontage is required under Bylaw § 10.4.3.4. The Petitioner has agreed to provide a sidewalk easement to the town for that portion located on the site. The Petitioner shall prepare a Plan for an easement and legal description to the approval of the Town Engineer.
- 1.3 Most of the drainage from the site is currently captured in catch basins along Central Street. A trench drain shall be installed across the entire entrance driveway connected into the town catch basin. Such a trench drain will then capture all site drainage and limite possible ice problems on Central Street caused by site drainage.
- 1.4 The Acton Community Housing Corporation and the Petitioner have discussed the possibility of a one-bedroom first floor unit being made available for purchase by an eligible first time home buyer. The Petitioner has agreed to provide the ACHC a "right of first refusal" for a one-bedroom unit with a selling price in the range of \$250,000-\$280,000. The ACHC has indicated they intend to use CPA and housing gift funds to subsidize the selling price of the unit to make it affordable to a 1 or 2 person household with a total household income at or below 80% of the Area Median Income. In lieu of the provision of a unit and prior to the occupancy of the final unit, the Petitioner has agreed to provide a cash gift of \$7500 to the ACHC to be used for other affordable housing activities or an equal amount in architectural services-in-kind for any ACHC initiative. The ACHC will oversee the lottery and marketing of the unit or alternatively the appropriate use of the gift or services-in-kind donation.
- 1.5 The property currently has been accessed 3.01 sewer betterment units. In order to build the project as proposed under the Special Permit they would need 4.02 betterment units. As a result they will need to pay a sewer privilege fee.
- 1.6 The Plan as herein modified:
  - Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
  - Will provide for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation including emergency vehicles, on or adjoining the site.
  - Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
  - Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
  - Is consistent with the Master Plan.
  - Is in harmony with the purpose and intent of this Bylaw.
  - Will not be detrimental or injurious to the neighborhood in which it is to take place.
  - Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted 5-0 to **GRANT** the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

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**2.0 Plan Modifications**

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 Revise the Plan to show trench drain located across the entire entrance driveway connected to town catch basin as approved by the Town Engineer.
- 2.2 The Plan shall be revised to include a sidewalk along the entire frontage and a note added to the Plan indicating any damage shall be repaired to the satisfaction of the Town Engineer prior to occupancy.
- 2.3 The landscape plan shall be revised to include all changes.

**3.0 Conditions**

- 3.1 The Petitioner shall prepare an easement plan including a legal description. The town shall be responsible to maintain the sidewalk after all necessary reconstruction or repair. The plan shall be prepared and accepted prior to any building permits being issued.
- 3.2 The Petitioner shall locate all points of curvature and angle points along Main Street in the field prior to any Building Permits being issued. They shall be investigated to determine if any monuments exist and if so they shall be protected. If they exist they shall be noted on the final as-built Plan. This shall be coordinated with the Town Engineer.
- 3.3 Prior to the occupancy of the six-unit the Petitioner shall either have executed the sale of an affordable unit through the right of first refusal or have provided a cash gift or a gift in services equal to \$7,500. Any agreement for services in kind shall be overseen by the ACHC and not the Town.
- 3.4 The Petitioner shall pay the sewer privilege fee to the town prior to the issuance of a building permit.
- 3.5 Prior to occupancy or use of any new building constituting a part of the project, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.

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**4.0 Limitations**

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site, which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM Monday through Saturday.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 4.7 This Site Plan Special Permit shall lapse on March 27, 2008 unless work approved by this permit has commenced except for good cause. Any request for extensions shall be made at least thirty (30) days prior to expiration. The Board reserves the right to amend the permit by its own or at the request of the Petitioner with or without a new hearing.

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5.0 **Appeals**

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this                    day of                    ,2006

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Peter Ashton, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

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Christine Joyce, Recording Secretary

\_\_\_\_\_  
Date filed with Town Clerk

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Eva K. Bowen, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of Mill Corner LLC has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Date

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Eva K. Bowen, Town Clerk

- cc: Petitioner  
Building Commissioner  
Planning Board  
Engineering  
Conservation  
Director of Municipal Properties  
Board of Health  
Town Clerk  
Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury