

3/11 (4)

Christine Joyce

From: Scott Mutch
Sent: Thursday, March 07, 2013 2:01 PM
To: Christine Joyce; Pam Harting-Barrat
Cc: Roland Bartl; Steve Ledoux
Subject: 65 Powder Mill Road a/k/a 40 Sudbury Road Status Update Memorandum
Attachments: Status Update Memorandum - Board of Selectmen - March 11, 2013.docx

Christine & Pam,

Please find attached a copy of my status report pertaining to Mr. Bertolami's Site Plan Special Permit Application which is before the Board of Selectmen again this coming Monday, March 11, 2013.

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except for holidays) between the hours of 8:00 am and 5:00 pm. Sincerely,

Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner
Town of Acton
Planning Department
472 Main Street
Acton, MA 01720
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Zoning Enforcement Officer

TO: Steve Ledoux, Town Manager
Board of Selectmen

DATE: March 7, 2013

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

SUBJECT: Site Plan Special Permit Application #07/16/11-433
65 Powder Mill Road a/k/a 40 Sudbury Road, Acton, MA

Please accept this correspondence as a status update to a Site Plan Special Permit Application which has been continued multiple times and is scheduled to be heard again on Monday, March 11, 2013.

The Site Plan Special Permit Application seeks approval to construct a new 2-story Building Trade Shop at the above noted address. The Site Plan Special Permit Application was originally filed with the Town Clerk on July 16, 2011 and the initial public hearing was held on September 12, 2011. There have been 6 (six) continuances of this application, most recently from September 20, 2012 to the impending March 11, 2013. For your reference, the following are the docushare links pertaining to the subject project:

September 12, 2011: <https://doc.acton-ma.gov/dsweb/View/Collection-4466>
December 19, 2011: <https://doc.acton-ma.gov/dsweb/Get/Document-34843/6k43-nc8.pdf>
January 23, 2012: <https://doc.acton-ma.gov/dsweb/View/Collection-4666>
March 12, 2013: <https://doc.acton-ma.gov/dsweb/View/Collection-4737>
September 24, 2012: <https://doc.acton-ma.gov/dsweb/Get/Document-36730/77nmjrjg.pdf>

Both the Applicant and the Engineer of Record for the subject Site Plan Special Permit were notified via email on January 7, 2013, and reminded that the hearing was upcoming on March 11, 2013. This notice provided over 2 months of time for the proponent to prepare their proposal and amendments. As of the date of this memo, absolutely no information has been received by the Planning Department, nor has either the Applicant or the Engineer of Record contacted the Planning Department to discuss.

Additionally, on the morning of Thursday, March 7, 2013, the Applicant submitted a building permit application to construct a single family residence on the subject property. The description of the building permit indicates that a "foundation only" building permit is being sought at this time, with a "full construction" permit to be applied for at a later date. By submitting this building permit, it appears as though the Applicant himself is abandoning the Site Plan Special Application before the Board of Selectmen.

In conclusion, there is nothing new or different, nor has anything been resolved since the last hearing date. In simplistic terms, there has been no further progress made. The Town has provided the applicant more than sufficient time and opportunity to address outstanding issues and concerns, and has failed to do so. It does not seem reasonable to any longer keep this Site Plan Special Permit Application open and active. Therefore, based upon all of the above noted information, the Planning Department would recommend that the Board of Selectmen close the public hearing on Monday, March 11, 2013. The Board could then discuss the Application and testimony before them, and then provide direction to staff in order to draft the appropriate decision.