



October 30, 2013

VIA Hand Delivery

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

**Re: Proposed CVS, 400 Massachusetts Ave
Site Plan Special Permit Application #08/01/13-444
Flexible Parking Plan – Proof Plan**

Dear Members of the Board,

Enclosed are three full size and ten 11 X 17 copies of two plans (along with 10 copies of this letter) in connection with the subject project. One is the currently proposed Site Plan, entitled Proposed Flexible Parking Plan dated 10/3/13 and revised thru 10/30/13, and the second is a “Proof Plan” (entitled Proof Plan dated 10/28/13) further described below.

As you know, the development team for the subject project has worked diligently with the DRB and Town staff over the course of the past year & more recently with the residential neighbors and the Board of Selectmen to meet the various requests and suggestions to improve the development plans for this project. Most significantly, this includes relocating the parking from the front of the building to the rear and providing more pedestrian connectivity and amenities to be in better harmony with the goals of Kelly’s Corner.

It has recently been called to our attention that the current plan (entitled Proposed Flexible Parking dated 10/3/13 and revised thru 10/30/13) may require some minor waivers from the following sections of the by-laws noted below:

6.7.1 Cells – *There shall be a minimum separation distance of thirty (30) feet between parking lot cells.*

6.7.7 Interior Area Landscaping Requirements – *The landscaped islands shall be so located that some portion of every parking space is not more than forty-five (45) feet from either a landscaped island or the perimeter planting area. Landscaped islands shall be dimensioned so that a circle with a minimum radius of 5 feet can be placed at each location within the island.*

While we don’t believe these sections are necessarily applicable to a development of this nature and are impractical to apply to the parking lot configuration currently proposed, we understand that the Board of Selectman can approve the currently proposed plan in accordance with section 6.7.9 (flexible parking lot design requirements) with the attached proof plan (entitled Proof Plan dated 10/28/13), which fully complies with the zoning requirements, but places the parking back in front of the building in order to achieve the 30’ parking lot cell separation & the max 45’ distance from any parking space to landscaped islands with minimum radii of 5ft.

OTHER OFFICE LOCATIONS:

- | | | | | | |
|------------------------------|----------------------------------|--------------------------------|-------------------------------------|---------------------------------------|------------------------------------|
| • Albany, NY
518.438.9900 | • Ronkonkoma, NY
631.738.1200 | • Warren, NJ
908.668.8300 | • Center Valley, PA
610.709.9971 | • Chalfont, PA
215.996.9100 | • Philadelphia, PA
267.402.3400 |
| • Towson, MD
410.821.7900 | • Bowie, MD
301.809.4500 | • Sterling, VA
703.709.9500 | • Warrenton, VA
540.349.4500 | • Fort Lauderdale, FL
954.202.7000 | • Tampa, FL
813.379.4100 |



6.7.9 Flexible Parking Lot Design Requirements – A Special Permit or Site Plan Special Permit Granting Authority having jurisdiction, or the Zoning Enforcement Officer in cases where no special permit or site plan special permit is required, may as an alternative to strict conformance with the requirements of Sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.6 of this Bylaw, including their subsections, and subject to the following requirements, conditions, and findings, approve a Flexible Parking Plan.

We look forward to discussing this with the Board further at your upcoming 11/4/13 hearing and are hopeful that you will agree that the proposed flexible parking plan is more advantageous for the site, is more conservative in its use of natural resources, and overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.

Please contact us at 508-480-9900 with any questions, concerns, or requests for additional information.

Very truly yours,

BOHLER ENGINEERING


Joshua G. Swerling

Cc. Roland Bartl, Acton Planning Director
Scott Mulch, Acton Zoning Enforcement Officer
Richard Mattocks, TRB Development Group
Louis Levine, ESQ.