



Planning Department

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INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** **October 29, 2014**
~~October 6, 2014~~
~~September 2, 2014~~

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

Subject: Site Plan Special Permit Application #07/03/14-450

Location: 37 Knox Trail, Acton, MA
Applicant: Concord Public Schools, 120 Meriam Road, Concord, MA 01742
Owner: KT Realty Trust, c/o Brian Li, Trustee, 321 Church Street, Northborough, MA 01532
Engineer: Nitsch Engineering, 2 Center Plaza, Suite 430, Boston, MA 02108
Zoning: Technology District (TD)
Groundwater Protection District Zone 3
Proposed FAR: Maximum FAR – 0.20
Existing FAR – Unknown at this time
Proposed FAR – No proposed changes to existing building at this time
Proposed Uses: Transportation Services (3.5.24)
Map/Parcel: J4-6
Hearing Date: **November 3, 2014** (~~October 6, 2014, September 22, 2014, September 8, 2014~~)
Decision Due: **February 1, 2015** (~~January 4, 2015, December 21, 2014, December 7, 2014~~)

Please accept this memorandum as supplementary to the Planning Department's original interdepartmental communication dated September 2, 2014 and the October 6, 2014 Amended Interdepartmental Communication. All of the information provided within the original interdepartmental communication remains valid.

The applicant's Engineer (Nitsch Engineering) submitted a response letter and revised plans, all dated **October 24, 2014**, ~~on the afternoon of Friday, October 3, 2014~~ to address comments from the Engineering and Planning Departments. A letter was also included from Mr. Mark Bobrowski of Blatman, Bobrowski & Mead, LLC., attorney for the applicant, to address comments provided by the Water Supply District of Acton.

Attached are the legal ad, application, plan sheets and interdepartmental review comments received to date. As of this date, comments have been received from the Town of Acton's Municipal Properties Director, Engineering Department and the Planning Department. Upon review of the project submission, and the interdepartmental reviews provided to date, it does not appear that there are significant obstacles to overcome before a decision could be granted.

The Site Plan:

The subject property is currently developed and consists of a two (2) story office building and a 41 space parking lot. There are no modifications and/or alterations currently proposed for the existing office building. The applicant, Concord Public Schools, has withdrawn its original proposal of storing buses on the property, ~~is proposing to park and store five (5) school buses on the subject property~~ and is seeking to utilize the subject office building for the relocation of existing municipal offices. However, the Applicant is also seeking to move forward with and conduct general site work which would prepare the site to serve as the access point to abutting property within the Town of Concord which would be developed as a school bus depot facility. ~~Personal vehicles belonging to the operators of the buses would be left at the subject property during the hours of the day when operators would be out on the road conducting their bus routes.~~ The most significant improvement proposed for the site is the addition of approximately 771 ~~934~~ square feet of new impervious asphalt pavement material which would widen the existing access drive into the property as well as extend the paved driveway up to the rear property line (also the Town Line between Acton & Concord). The previously identified 934 square feet of pavement area included 163 square feet of asphalt proposed within the public right-of-way, and not within the boundaries of the actual 37 Know Trail property.

The proposed relevant zoning information for the subject site is summarized in the following table:

By-Law Requirements	Required	Existing	Proposed
Min. Lot Area (ft ²)	40,000 ft ²	40,741 ft ²	40,741 ft ²
Min. Lot Frontage (ft)	100'-0"	420.76'	420.76'
Min. Front Yard (ft) - West	45'-0"	80.8'	Unknown (No Change)
Min. Side Yard (ft) – North	50'-0"	Unknown (>50'-0")	Unknown (No Change)
Min. Side Yard (ft) – South	50'-0"	20.1' *	Unknown (No Change) *
Min. Rear Yard (ft) – East	50'-0"	18.8' *	Unknown (No Change) *
Max. Building Height (ft)	40'-0"	Unknown *	Unknown (No Change) *
Max. F.A.R. (Floor Area Ratio)	0.20	Unknown *	Unknown (No Change) *
Open Space	35%	56% (22,835 ft ²) 46% (18,741 ft ²) 54% (22,071 ft ²)	54% (22,064 ft ²) 45% (18,353 ft ²) 55% (22,674 ft ²)
Parking Requirements	Required	Existing	Proposed
Use: Office Use (NFA Unknown) 1 space/250ft ² of N.F.A.	Unknown	41	41
Bicycle Parking Requirements			
Zoning Bylaw Section 6.3.7.5 – one (1) bicycle parking space for each twenty (20) motor vehicle parking spaces in the facility, but never less than two (2) bicycle parking spaces			
		Required	Proposed
Number of Motor Vehicle Parking Spaces Provided:	41 40 41	3 2 3	3 1 0

* The existing office building is deemed to be pre-existing non-conforming to the current dimensional Zoning Bylaw requirements. When the building was originally constructed in approximately 1983, it presumably complied with the dimensional requirements of the Zoning Bylaw at that time. There are currently no proposed plans for any work to be done to the existing office building structure.

Planning Department Comments & Items to be Addressed

- Bicycle Parking

9/2/14 Comments: The April 2014 Annual Town Meeting adopted a new section of the Zoning Bylaw (§6.3.7) which created the requirement that off-street parking facilities shall provide bicycle parking spaces. The Bylaw requires one (1) bicycle parking space for every twenty (20) motor vehicle parking spaces, but never less than two (2) bicycle parking spaces.

In this particular instance, there are 41 motor vehicle parking spaces currently in existence and to remain on the subject property, which at the minimum Zoning Bylaw requirement identified within the preceding paragraph and Zoning Bylaw Section 6.3.7 requires that 3 bicycle parking spaces be provided. The plan as currently proposed, does not indicate or show any bicycle parking spaces being provided. Unfortunately, the Special Permit Granting Authority (in this instance, the Board of Selectmen) is not provided with any latitude in deviating from this requirement.

10/6/14 Comments: The plans have been revised in an attempt to address this comment, however, the currently submitted plans do not fully comply with this requirement. The number of required bicycle parking spaces is being reduced to two (2). With the addition of the bicycle parking spaces, one (1) motor vehicle parking space will be removed, bringing the total number of motor vehicles parking spaces in the facility down to forty (40). The current bike parking layout does not comply with the following requirements:

- 6.3.7.1 Bicycle parking spaces shall be located as close as possible and within plain sight of the main BUILDING entrance or entrances without displacing required parking spaces for persons with disabilities. They shall be principally part of and accessible from the vehicle parking lot or facility rather than part of the sidewalk and walkway system.
- 6.3.7.2 Each bicycle parking space shall measure at least 2.5 feet in width by 6 feet in length with at least one 4-foot wide maneuvering aisle perpendicular to the length.
- 6.3.7.3 Each bicycle parking space shall feature a securely anchored rack (ground-mounted inverted-U with cross bar, or similar shape or functionality) high enough to support the entire height of a bicycle frame, to allow locking of the bicycle frame to the rack in more than one location, and to prevent the rack from being a tripping hazard when empty.
- 6.3.7.4 Bicycle parking spaces shall be protected from motor vehicles with solid barriers such as posts or bollards.

10/29/14 Comments: The plans have been revised in an attempt to address this comment, however, 100% complete compliance has not yet been achieved. The remaining concern is minor in nature and could be addressed through a condition of any Site Plan Special Permit approval the Board of Selectmen may wish to grant. The remaining deficiency is:

- 1) Prior to the issuance of a building permit, and in accordance with Section 6.3.7.3, the Applicant shall provide a cut/spec/product sheet which details the type of bicycle rack to be installed and to demonstrate compliance with this requirement.

- New Impervious Asphalt Driveway

As per Zoning Bylaw Section 6.7.2, no paved surface shall be located within 10'-0" of the side and rear lot lines. The plan as currently proposed, indicates that the existing access driveway will be extended all the way up to the rear property line. At this point in time, as the abutting land in Concord has not yet been improved, and remains in a primarily natural state, the extension of the paved access drive should comply with the 10'-0" minimum rear yard setback.

The plans have not been revised to address this requirement, however, a "Plan Modification/Condition" could be made a part of any Decision that the Board wishes to grant.

- Open Space

The Open Space numbers and percentages (both existing and proposed) have been modified based upon a telephone conversation with the Engineering firm working on the project. The numbers and percentages originally provided were incorrect. The actual existing and proposed numbers and percentages should be more inline with the revised numbers. The Engineer should confirm these figures on a revised set of plans.

The numbers have been revised and there is sufficiently more open space provided than the minimum amount required. There are no further comments regarding this matter.