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Planning Department

MEMORANDUM

To: Planning Board **Date:** April 19, 2016
From: Roland Bartl, AICP, Planning Director *R. B.*
Subject: **Brookside Shops - Bond**

The Planning Board holds a letter of credit (Citibank LOC #69603569) for the installation of certain items at Brookside Shops:

- one replacement tree per approved plan & permit;
- two trees in addition to the number and placement of trees on the approved plan & permit;
- a surveillance camera system to monitor type and direction of traffic, and general activity behind the plaza as a tool to follow up on violator of permit conditions related to the timing of deliveries and trash hauling (camera system not required in permit); and
- a steel bollard at the Esterbrook Road service egress gate (not required in permit).

A site inspection last week showed:

1. There were no replacement / additional trees planted.
2. The camera system is installed as visible from the outside. The property manager is still in the process of installing software for remote monitoring. No camera is directly focused on the gate.
3. The gate was in the 'Up' position.
4. The steel bollard is installed.

The Board obtained the LOC on 3/20/15 as an aide in its efforts to pass a zoning amendment from Residential to Limited Business for Brookside Shops at the 2015 Annual Town Meeting. The zoning amendment failed. The LOC has outlived its purpose. It is my recommendation that the Planning Board vote to release the LOC at this time.

As it stands, the only clearly apparent zoning violation is one missing tree, which apparently has died off some years ago. Demise of landscaping features is not otherwise a reason for zoning enforcement action, and there is no reason to single out Brookside Shops for one missing tree. The surveillance camera system enables the property management company to identify violators of operational timing restrictions of the permit. It is itself responsible for managing the Esterbrook Road egress gate.

Brookside Shops management is fully aware that it must do away with the distractions that keep this property from obtaining appropriate zoning status. It is also aware that until some future Town Meeting when the matter might be revisited it must establish a "clean" performance track record.

To the extent that there may be future complaints about operational zoning violation (e.g. trash hauling at the wrong time), the management company now has the tool to pursue appropriate remedies. If the Planning Department actually receives a written zoning complaint, or in the alternate a written request from the management company to assist with the enforcement of operational violations, we will follow up on alleged zoning violations with our standard zoning enforcement procedures.