



7/26/10 (6)

TOWN OF ACTON
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Acton, Massachusetts 01720

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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** (revised July 21, 2010)
June 18, 2010

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

Subject: Site Plan Special Permit Application #04/30/10-424

Location: 408 Massachusetts Avenue
Applicant: TD Bank, N.A., Two Portland Square, Portland, ME 04101
Owner: NOTCA, LLC., 408 Massachusetts Avenue, Acton, MA 01720
Engineer: Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772
Architect: Bergmeyer Associates, Inc., Architecture and Interiors, 51 Sleeper Street, Boston, MA 02210
Previous Site Plans: #02/22/71-0011
Zoning: Kelley's Corner (KC)
Groundwater Protection District Zone 4
Proposed FAR: 0.067 (maximum is 0.40)
Proposed Uses: Bank (with drive-up facilities)
Map/Parcel: F-3/127
Hearing Date: June 21, 2010
Decision Due: September 19, 2010

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 Design Review Board, Fire Department, Health Department, Building Department, Municipal Properties Director and the Engineering Department. Upon review of the submitted comments, it appears that there could be significant obstacles to overcome before any decision could be granted.

The applicant is proposing to demolish an existing vehicle service station and construct a new TD Bank branch in its place. As per the Town of Acton Assessor's Office information, the subject Site is 1.05 acres (45,738 square feet) in area, has approximately 200'-0" in frontage along Massachusetts Avenue, and is located within the Kelley's Corner zoning district. The existing vehicle service station is approximately 1,576 square feet in size and was constructed in 1962, according to Assessor's Office records.

The Site Plan:

The site plan special permit application proposes to construct a new one-story (23'-6" high), 3,865 square foot TD Bank branch. The proposal also includes a 27 space parking lot and three-lane bank drive-through facility. The current site plan layout places 10 of the parking spaces and the accompanying maneuvering aisle in front of the bank building and directly facing Massachusetts Avenue. This results in the bank structure being set back 75'-0" from the Massachusetts Avenue property line. The remainder of the parking spaces are aligned in two (2) rows running front-to-back along the western side of the new bank structure and are also separated by an accompanying maneuvering aisle. The three-lane bank drive-through facility is located at the rear of the proposed bank structure. A potential future driveway connection easement has also been shown along the eastern side of the property. This is a Zoning Bylaw requirement (5.6.2.2) and necessary in order to facilitate any potential future development of the parcel of land located immediately to the south. Both parcels of land are currently held in common ownership.

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)	10,000 ft ²	45,738 ft ²	45,738 ft ²
Min. Lot Frontage (ft)	100'-0"	200'-0"	200'-0"
Min. Front Yard (ft) - North	30'-0"	31.4'	75.9*
Min. Side Yard (ft) – East	NR	76.8'	66.3'
Min. Side Yard (ft) – West	NR	92.2'	81.5'
Min. Rear Yard (ft) – South	NR	Unknown	27.1***
Max. Building Height (ft)	36'-0"	Unknown	23'-6"
Max. F.A.R. (Floor Area Ratio)	0.40	0.035	0.09***
Open Space	NR	47%	39%
Parking Requirements	Required	Existing	Proposed
Use: Bank (3,865ft ²) 3 spaces/1,000ft ² of N.F.A.	10	NA	27
Kelley's Corner Zoning District Reduction as per 6.9.5.3	7		27

* The front setback is being measured from the Massachusetts Avenue property line to the closest projection of the canopy over the front/main entrance into the proposed bank structure. The proposed canopy projects approximately 4'-6" to 5'-0" outward from the front wall of the bank, meaning the actual bank structure is setback approximately 80'-0" from the front property line.

** The rear setback is being measured from the rear property line to the closest projection of the canopy which covers the three-lane bank drive-through. The actual bank structure is setback approximately 61'-0" from the rear property line.

*** The developable site area is 34,291 square feet. The proposed gross floor area of the structure is 3,865 square feet. The proposed net floor area (as per Bylaw Section 1.3.8) is 3,072 square feet.

Planning Department Comments

1. Existing access from Massachusetts Avenue into the site is through two (2) access driveways. The site plan application proposes to retain the two (2) access driveways and modify the curb cuts onto Massachusetts Avenue in order to provide for a safer and more efficient traffic circulation pattern into and through the site. The proposed distance as measured from the centerline of one access driveway to the centerline of the other access driveway is 132'-0".

Section 6.7.3 of the Town of Acton's Zoning Bylaw states "*Each LOT may have one ACCESS driveway through its FRONTAGE which shall be 24 feet wide, unless, in the opinion of the Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Zoning Enforcement Officer (for other parking areas), a wider and/or greater number of ACCESS driveways is necessary to provide adequate area for safe vehicular turning movements and circulation. An ACCESS driveway for one-way traffic only may be a minimum of 14 feet wide. There shall be no more than one additional ACCESS driveway for each 200 feet of FRONTAGE and all such additional ACCESS driveway(s) shall be at least 200 feet apart on the LOT measured from the centerline of each ACCESS driveway.*"

In this instance, the Board of Selectmen, acting as the Special Permit Granting Authority, could find that the two (2) access driveways with a distance separation less than the minimum required to provide access to the site from Massachusetts Avenue is necessary and acceptable.

COMMENT REMAINS

- ~~2. The proposed site plan calls for a three-lane drive-through facility at the rear of the property with an additional bypass lane to allow for traffic circulation around the drive-through facilities. The bypass lane as currently identified is 10'-0" in width.~~

~~Section 6.7.4 of the Town of Acton's Zoning Bylaw states "*Interior driveways shall be at least 20 feet wide for two-way traffic and 14 feet for one-way traffic.*"~~

~~The bypass lane should be modified to comply with the 14'-0" minimum width or the applicant may wish to seek a variance from the Zoning Board of Appeals.~~

ADDRESSED

- ~~3. As per Section 6.3.1, banks require 3 parking spaces per 1,000 square feet of Net Floor Area. The proposed bank structure is indicated as having 3,072 square feet of Net Floor Area which requires a minimum of 10 parking spaces. Section 6.9.5.3 of the Bylaw states "*The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1.*" This produces a minimum parking requirement of 7 spaces. The applicant is proposing to provide 27 parking spaces. The Zoning Bylaw does not provide for a maximum number of parking spaces, only a minimum.~~

The revised plans have reduced the overall number of parking spaces to 26.

- ~~4. The June 1995 "Kelley's Corner Specific Area Plan" recommends that sidewalks within the Kelley's Corner zoning district should be a minimum of 6'-0" in width and should be~~

~~constructed of concrete. The site plan application proposes a 6'-0" wide asphalt sidewalk across the width of the Massachusetts Avenue frontage. The Board of Selectmen could require that the plans be modified to comply with the 6'-0" wide concrete sidewalk recommendation.~~

ADDRESSED

- ~~5. The applicant should submit an outdoor lighting plan for the Site that demonstrates compliance specifically with Section 10.6.3.2 of the Zoning Bylaw. The plan should very clearly indicate each of the applicable activity areas identified within the Bylaw. The lighting plan shall be certified to be valid and correct by its designer.~~

This comment has been partially addressed at this time. The applicant has provided the necessary calculations for the individual activity areas and appears to have achieved compliance with the Bylaw requirements. However, there is no indication as to method of screening to be utilized for the proposed outdoor luminaires. This is minor in nature and could be conditioned as part of any decision and provided for staff approval prior to building permit being issued.

6. Although there is signage shown as part of the application submission, there is no signage being reviewed, commented on, or approved under this Site Plan Special Permit. Signage requires separate administrative sign permits, some which may require further sign special permits from the Planning Board or other municipal boards.

COMMENT REMAINS

NOTE: Although the Engineering Department has not completed its review of the revised plans, the Planning Department has reviewed the list of outstanding comments and feels that the majority of the comments have been addressed. The other remaining outstanding comments appear to be minor in nature and could be conditioned as part of any decision being issued.



BOHLER ENGINEERING

352 Turnpike Road
Southborough, MA 01772
PHONE 508.480.9900
FAX 508.480.9080

July 16, 2010

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

Re: Proposed TD Bank Facility

Dear Board Members:

Enclosed for your review, please find the following items submitted to your office with regard to the above referenced project.

- o Ten (10) copies of the Site Plan set dated 5/4/10 last revised 6/21/10
- o Ten (10) copies of the supplemental traffic memo by Vanasse & Associates dated 7/13/10
- o Ten (10) copies of the undated water balance calculations
- o One (1) compact disc containing the above referenced materials

The following are responses to comments received from Planning Department.

1. **Comment:** *Existing access from Massachusetts Avenue into the site is through two (2) access driveways. The site plan application proposes to retain the two (2) access driveways and modify the curb cuts onto Massachusetts Avenue in order to provide for a safer and more efficient traffic circulation pattern into and through the site. The proposed distance as measured from the centerline of one access driveway to the centerline of the other access driveway is 132'-0".*

Section 6.7.3 of the Town of Acton's Zoning Bylaw states "Each LOT may have one ACCESS driveway through its FRONTAGE which shall be 24 feet wide, unless, in the opinion of the Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Zoning Enforcement Officer (for other parking areas), a wider and/or greater number of ACCESS driveways is necessary to provide adequate area for safe vehicular turning movements and circulation. An ACCESS driveway for one-way traffic only may be a minimum of 14 feet wide. There shall be no more than one additional ACCESS driveway for each 200 feet of FRONTAGE and all such additional ACCESS driveway(s) shall be at least 200 feet apart on the LOT measured from the centerline of each ACCESS driveway."

In this instance, the Board of Selectmen, acting as the Special Permit Granting Authority, could find that the two (2) access driveways with a distance separation less than the minimum required to provide access to the site from Massachusetts Avenue is necessary and acceptable.

Response: Acknowledged. We request that the Board of Selectman find that the two driveways with a distance separation of less than 200 ft. are necessary and acceptable for the purpose of providing safe & efficient access and circulation.

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 | • Sterling, VA
703.709.9500 | • Warrenton, VA
540.349.4500 | • Bowie, MD
301.809.4500 | • Fort Lauderdale, FL
954.202.7000 | |

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2. **Comment:** *The proposed site plan calls for a three-lane drive-through facility at the rear of the property with an additional bypass lane to allow for traffic circulation around the drive-through facilities. The bypass lane as currently identified is 10'-0" in width.*

Section 6.7.4 of the Town of Acton's Zoning Bylaw states "Interior driveways shall be at least 20 feet wide for two-way traffic and 14 feet for one-way traffic."

The bypass lane should be modified to comply with the 14'-0" minimum width or the applicant may wish to seek a variance from the Zoning Board of Appeals.

Response: As a result of a meeting held with Scott Mutch and Roland Bartl, the drive-thru layout for the bank has been modified to provide the requested 14' bypass lane by moving the curb and adjacent wall. There will be a slight net reduction to the amount of impervious on site as the additional pavement in the drive-thru will be offset by the new landscape area in front of the bank.

3. **Comment:** *As per Section 6.3.1, banks require 3 parking spaces per 1,000 square feet of Net Floor Area. The proposed bank structure is indicated as having 3,072 square feet of Net Floor Area which requires a minimum of 10 parking spaces. Section 6.9.5.3 of the Bylaw states "The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1". This produces a minimum parking requirement of 7 spaces. The applicant is proposing to provide 27 parking spaces. The Zoning Bylaw does not provide for a maximum number of parking spaces, only a minimum.*

Response: As discussed during the selectmen meeting a total of 26 parking spaces have been provided for the bank which is sufficient for typical operations.

4. **Comment:** *The June 1995 "Kelley's Corner Specific Area Plan" recommends that sidewalks within the Kelley's Corner zoning district should be a minimum of 6'-0" in width and should be constructed of concrete. The site plan application proposes a 6'-0" wide asphalt sidewalk across the width of the Massachusetts Avenue frontage. The Board of Selectmen could require that the plans be modified to comply with the 6'-0" wide concrete sidewalk recommendation.*

Response: Per the Town's recommendations for Kelley's Corner, a 6'-0" wide concrete sidewalk has been shown on the revised plans.

5. **Comment:** *The applicant should submit an outdoor lighting plan for the Site that demonstrates compliance specifically with Section 10.6.3.2 of the Zoning Bylaw. The plan should very clearly indicate each of the applicable activity areas identified within the Bylaw. The lighting plan shall be certified to be valid and correct by its designer.*

Response: As requested an outdoor lighting plan for the site has been submitted which demonstrates compliance specifically with section 10.6.3.2 of the Zoning by Law.

6. **Comment:** *Although there is signage shown as part of the application submission, there is no signage being reviewed, commented on, or approved under this Site Plan Special Permit. Signage requires separate administrative sign permits, some which may require further sign special permits from the Planning Board or other municipal boards.*

Response: Acknowledged. No response required.



The following are responses to comments received from Town of Acton Design Review Board memo date 05/19/2010.

1. **Comment:** *Remove parking along the front of the building, relocating/and or adding spaces to the lot at the rear (on the south side) of the building. In land gained, move the new bank forward, closer to the street. Moving the overall plan forward may save some of the trees and hill at the rear, now slated for demolition.*

Response: As discussed with the DRB & BOS, site constraints including the tapering of the lot creating a smaller width towards the front of the parcel as well as the need to maintain an access easement on the east side of the property makes it impractical to relocate the bank building along the right of way.

2. **Comment:** *If [the comment from above] is not feasible, we recommend, at a minimum: remove the 2 front parking spaces to the far right of the front door (as you face the building); Replace with green space and plantings that also serve to screen side (west) parking; this would balance this project's landscape design (the building would have green on both sides of its front). We note the opportunity to plant a tree here as well as 2-1/2 to 3' tall shrubs. We recommend a small native tree such as the Redbud Cercis canadensis tree, (2-1-1/2" caliper) or multi-stemmed Shadblow amelancheir laevis, 7-8" clump.*

Response: As requested by DRB, and as the revised plans eliminates 2 parking stalls located on the northwest corner of the bank pad to enhance the balance of the landscape design. A red jade crab apple tree and shrubs will be planted within this newly created landscape area.

3. **Comment:** *At the southwest corner at the rear of the site, on top of the new retaining wall, we recommend a Black Vinyl coated chain link fence with no privacy slats to blend in best with remaining surrounding vegetation.*

Response: As shown on the revised plans, a black vinyl coated chain linked fence with no privacy slots is now proposed on top of the retaining wall as requested.

Response to comments by Fire Chief Robert C. Craig via email dated 06/14/2010.

1. **Comment:** *As I indicated the other day, I also previously met with the applicants and it appeared that the turning is sufficient. I have no other issues.*

Response: Acknowledged, no response required.

Response to comments received from Assistant Town Engineer, Corey York via email dated 06/14/2010.

1. **Comment:** *I took a quick look at the plan for the new bank at 408 Mass Ave. Based on our turning templates, it appears that an emergency SU-30 vehicle (fire truck) can safely maneuver within the site and onto Mass Ave.*

Response: No response required.

Response to comments received from Justin Snair, Environmental Health via email dated 06/17/2010.

1. **Comment:** *A number of monitoring wells have been installed on the property following a reportable release of chemicals. The Health Department requires that all monitoring wells on property remain in good function and accessible. Abandonment of monitoring wells will require review and approval by the Acton Health Department.*



Response: Acknowledged. A note has been added to the plans requiring GC to maintain/adjust or abandon existing monitoring wells in accordance with the direction of the environmental consultant and to coordinate as needed.

2. **Comment:** *All Underground Storage Tank removals will require a permit and inspection with the Health Department.*

Response: Acknowledged. All underground storage tank removals will require a permit and inspection with the Health Department. A note has been added to the plans requiring GC to maintain/adjust or abandon existing monitoring wells in accordance with the direction of the environmental consultant and to coordinate as needed.

The following are response to comments from Frank Ramsbottom, Building Commissioner for the Town of Acton via email dated June 17th 2010.

1. **Comment:** *No Comments from building.*

Response: No response required.

The following are response to comments from Dean A. Charter, Municipal Properties Director via email June 17th 2010.

1. **Comment:** *I have reviewed the landscape plan and find it to be a nice improvement over the gas station presently in that location.*

Response: No response required.

The following are responses to comments received from the Engineering Department dated June 17th 2010.

1. **Comment:** *We request to obtain a copy of the MassDOT permit for the work shown within the road layout for Massachusetts Avenue for our records.*

Response: A copy of the MassDOT permit with the work shown with the right of way will be forwarded to the Engineering Department upon receipt. Plans have been submitted and are currently under DOT review.

2. **Comment:** *Based on our turning templates, an emergency SU-30 vehicle (fire truck) can maneuver within the site. It appears that the access to Mass Ave has been proposed to allow the fire truck to enter/exit the site without the need to obstruct oncoming traffic on Route 111.*

Response: Acknowledged. No response required.

3. **Comment:** *Until the development at the rear of the site utilizes the access driveway on this site, we recommend that the engineer show Do Not Enter signs and a traffic arrow painted on this driveway at the front of the building to clearly indicate that this access is only for vehicles exiting from the drive-thru area.*

Response: As requested, do not enter signs and painted traffic arrows are now shown at the exit of the drive-thru area as requested.



4. **Comment:** *The engineer should clearly label the centerlines within the two access driveway on Mass Ave shall be double yellow centerlines.*

Response: The center lines for the two (2) access driveways along Mass Ave will be noted as double yellow lines as requested.

5. **Comment:** *The engineer has proposed to install vertical granite curb along Mass Ave, reconstruct the sidewalk along their frontage to be a 6 foot wide bituminous concrete sidewalk and provide a 7 foot +/- wide grass strip. According to the Kelley's Corner Specific Area Plan dated June 1995, the sidewalks in Kelley's Corner are recommended to be concrete instead of bituminous concrete.*

Response: As shown on the revised plans, a 6' wide concrete sidewalk is now proposed as requested.

6. **Comment:** *Based on the information provided in their water balance calculations, it appears that the annual amount of direct runoff from the site in their pre-existing conditions (21.6 inches per year) was mistakenly left out of their calculation. As a result, their final amount of runoff that is infiltrated based on the existing conditions (23.0 inches infiltrated per year) is incorrectly shown to be higher than the post-development conditions (6.1 inches infiltrated per year).*

Response: The water balance calculations have been modified to revise the pre-existing condition runoff total as requested. The calculations still show that post development infiltration will exceed predevelopment conditions.

7. **Comment:** *The engineer should add a note to the plans requiring the catch basin to be cleaned following construction.*

Response: A note has been added to the revised plans requiring existing catch basins onsite to be cleaned following construction.

8. **Comment:** *The applicant may want to consider adding an inlet in the landscape shoulder to collect runoff from the drain behind the retaining wall. This would prevent additional runoff from sheeting across the parking lot and potentially causing an icing problem during the winter months.*

Response: An inlet has been added to the landscape shoulder to collect runoff from the drain for the retaining wall as requested.

9. **Comment:** *There should be an erosion & sedimentation control note that states the contractor is responsible to clean-up any sand, dirt or debris which erodes from the site onto Massachusetts Avenue or private property, and to remove silt or debris that enters any existing drainage system immediately upon discovery.*

Response: The requested note has been added to the revised plans.

10. **Comment:** *The engineer should comment as to whether any contaminants have been detected in the soil on the site. The engineer is proposing to construct an underground drainage detention system in the same vicinity as the existing gas pumps.*

Response: At this time, no contaminants have been detected on the site. Tank closures/removal will be performed by the property owner & overseen/documentated by his environmental consultant as required by MDEP regulations. Underground stormwater infiltration is not being proposed in this area.

11. **Comment:** *The engineer needs to state the vertical datum used for their site plans. The Town requires the elevations referenced to the National Geodetic Vertical Datum of 1929.*



Response: A note has been provided on the grading plan stating that the Datum is based on NGVD 1929 in accordance with note 8 from the survey.

12. **Comment:** *The engineer needs to show two temporary benchmarks on the plans. The temporary benchmarks should be located on fixed objects that will not be disturbed during construction.*

Response: Two temporary benchmarks have been indicated on the grading plan, as requested.

13. **Comment:** *If proposed, the engineer will need to show the location of a dumpster for the proposed project and the appropriate screening.*

Response: Bank operations eliminate the need for exterior trash space, therefore a dumpster is not proposed.

14. **Comment:** *An as-built plan certified by a Massachusetts Licensed Surveyor showing the buildings, pavement, drainage, utilities, etc. should be required at the conclusion of construction. A Professional Engineer should also stamp the as-built plan to certify that the site has been completed in accordance with the approved site plan and that all features required on the site by the approved plans, decisions, etc... have been field inspected by the PE and conform with the approved design. Any non-conforming features shall be clearly noted.*

Response: Acknowledged, no response required.

15. **Comment:** *The traffic study makes no mention of the accident history at the intersection of Mass Ave, the easterly site driveway and the access for the Roche Brothers shopping area. The accident history in the traffic report was collected for the signalized intersection at Main and Mass Ave.*

Response: The enclosed traffic memo includes data regarding motor vehicle crash analysis. At the intersection of Massachusetts Avenue and the existing site driveway/Roach Brothers driveway, a total of 4 collisions have occurred during the last 4 years – well below the state average.

16. **Comment:** *The engineer should add the following notes on the plans:*

- *Forbid the use of fill containing hazardous material.*
- *Mark the limits of work prior to the start of construction or site clearing on the premises.*
- *Restrict the hauling of earth to and from the site between the hours of 9AM and 4PM on weekdays.*

Response: The notes have been added to the plans as requested.



BOHLER
ENGINEERING

We believe the above responses address all concerns raised to date. Please call us at 508-480-9900 with any questions, comments, or requests for additional information.

Very truly yours,

BOHLER ENGINEERING

Matthew B. Murphy

Joshua G. Swerling, P.E.

Enclosures

Cc: Brian Levey, Beveridge & Diamond, P.C. (Letter only)
Mark Goldstein, Beveridge & Diamond, PC (w/ Plans)
Shawn Kelly, Vanesse & Associates, Inc. (Letter only)

MEMORANDUM

TO: Mr. Josh Swerling, P.E.
Bohler Engineering, P.C.
352 Turnpike Road
Southborough, MA 01772

FROM: Mr. Robert D Vanasse P.E. *and* 
Mr. Shaun P. Kelly
Vanasse & Associates, Inc.
10 New England Business Center Drive
Suite 314
Andover, MA 01810
(978) 474-8800

DATE: July 13, 2010

RE: 5779

SUBJECT: Updated Motor Vehicle Crash Analysis – Proposed TD Bank
408 Massachusetts Avenue - Acton, Massachusetts

Introduction

As requested by the Town of Acton Engineering Department, Vanasse and Associates, Inc. (VAI) has prepared this memorandum in order to review the motor vehicle crash history at the intersection of Massachusetts Avenue (Route 111) with the existing 408 Massachusetts Avenue site driveway (currently serves a Pro Tech gas station) and the access drive that serves the Roche Brothers shopping center, located on the opposite side of Massachusetts Avenue. This memorandum serves to supplement the April 15, 2010 traffic impact assessment prepared for the project, which evaluated the crash history at the intersection of Massachusetts Avenue with Main Street (Route 27).

As documented in this memorandum, a review of the motor vehicle crash history at the existing site driveway indicates that the crash frequency at this location falls well below MassDOT's average crash rate for unsignalized intersections, with the majority of collisions at this location resulting in property damage only.

Motor Vehicle Crash Data

Motor vehicle crash data were obtained from MassDOT for the three most recent years of data available (2006 to 2008) in order to identify reported motor vehicle crash trends and/or safety deficiencies at the existing site driveway onto Massachusetts Avenue. Motor vehicle crash data were researched to determine the type of collision, severity, and roadway conditions for each incident. In addition, motor vehicle crash rate calculations were performed to quantify the number of motor vehicle collisions per million entering vehicles and provide a basis for comparing reported motor vehicle crash rates to statewide averages. The MassDOT average motor vehicle crash rate for unsignalized intersections in District 3 is 0.69 collisions per million entering vehicles.

Based on a review of the collected data, a total of 4 motor vehicle collisions were reported at the existing site driveway intersection over the last 4 years, amounting to approximately 1 vehicle collision per year. The majority of collisions at this location were of the angle type. Of the four reported collisions, three resulted in property damage only, with one injury reported during the three year period. There were no fatalities reported at this location during the three year review period.

The calculated motor vehicle crash rate for this intersection amounts to 0.23 collisions per million entering vehicles, which falls well below the average unsignalized crash rate of 0.69 collisions per million entering vehicles.

It is noted that as part of the highway access permit application to MassDOT, sight lines to and from the proposed site driveway locations were evaluated. The results of this evaluation indicated that both proposed driveway locations meet or exceed the sight distance requirements as defined by the American Association of State Highway and Transportation Officials (AASHTO).

Conclusion

As documented in this report, a review of the motor vehicle crash history at the intersection of Massachusetts Avenue with the site driveway and Roche Brothers plaza access drive reveals only four motor vehicle collisions during the last three years. The crash history for this location falls well below state averages. The proposed TD Bank development and site access is not expected to result in adverse impacts to vehicular safety at this location.

cc: RDV, FGH, File

MassHighway

CRASH RATE WORKSHEET

CITY/TOWN : Acton COUNT DATE : 2010

DISTRICT : 3 UNSIGNALIZED : SIGNALIZED :

MHD USE ONLY

Source #

~ INTERSECTION DATA ~

MAJOR STREET : Massachusetts Avenue

ST #

MINOR STREET(S) : Gas Station Drive/Plaza Driveway

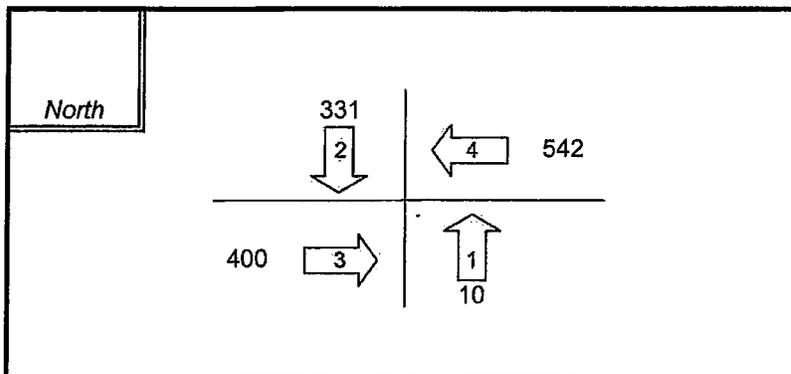
ST #

ST #

ST #

ST #

**INTERSECTION
DIAGRAM**
(Label Approaches)



INTERSECTION

REF #

Peak Hour Volumes

APPROACH :	1	2	3	4	5	Total Entering Vehicles
DIRECTION :	NB	SB	EB	WB		
VOLUMES (AM/PM) :	10	331	400	542		1,197

" K " FACTOR : APPROACH ADT : ADT = TOTAL VOL/"K" FACT.

TOTAL # OF ACCIDENTS : # OF YEARS : AVERAGE # OF ACCIDENTS (A) :

CRASH RATE CALCULATION : RATE = $\frac{(A * 1,000,000)}{(ADT * 365)}$

Comments : Accident Rate for District 3 signalized intersections = 0.87
Accident Rate for District 3 unsignalized intersections = 0.69

MASS HIGHWAY Mass Highway Crash Report for ACTON in the year 2007

Crash Number	County Name	Crash Date	Crash Time	Crash Severity	Number of Vehicles	Total Nonfatal Injuries	Total Fatal Injuries	Number of Collisions	Vehicle Action Prior to Crash	Vehicle Travel Directions	Most Harmful Events	Vehicle Configuration	Road Surface Condition	Ambient Light	Weather Condition	At Roadway Intersection	Distance from Nearest Eastbound
2278564	ACTON	21-Nov-2007	10:36 AM	Property damage only (none injured)	3	0	0	Angle	V1: Turning left / V2: Traveling straight ahead / V3: Slowing or stopped in traffic	V1: Eastbound / V2: Westbound / V3: Southbound	V1: Collision with motor vehicle in traffic / V2: Collision with motor vehicle in traffic / V3: Collision with motor vehicle in traffic	V1: Passenger car / V2: Passenger car / V3: Passenger car	Dry	Daylight	Cloudy/Cloudy	MASSACHUSETTS AVENUE / MASSACHUSETTS AVENUE Rte 111	ACCESS ROAD TJMAXX

MASS HIGHWAY MassHighway Crash Report for ACTON in the year 2006

Crash Number	City/Town Name	Crash Date	Crash Time	Crash Severity	Number of Vehicles	Total Nonfatal Injuries	Total Fatal Injuries	Manner of Collision	Vehicles (Travel) Directions	Most Harmful Events	Road Surface Condition	Ambient Light	Weather Condition	Distance from Nearest Roadway Intersection
2108172	ACTON	09-Oct-2006	10:56 AM	Property damage only (none injured)	2	0	0	Rear-end	V1:Eastbound / V2:Eastbound	V1: Collision with motor vehicle	Dry	Daylight	Clear	408 MASSACHUSETTS AVENUE
2140349	ACTON	28-Dec-2006	6:15 AM	Property damage only (none injured)	1	0	0	Angle	V1:Northbound	V1: Collision with motor vehicle	Wet	Dark - lighted roadway	Cloudy/Rain	408 MASSACHUSETTS AVENUE / Rte 111
2069179	ACTON	28-Jun-2006	4:44 PM	Non-fatal injury	2	1	0	Angle	V1:Eastbound / V2:Westbound	V1: Unknown / V2: Collision with motor vehicle in traffic	Dry	Daylight	Cloudy/Cloudy	408 MASSACHUSETTS AVENUE / Rte 111 E

$$P = DRO + ET + I$$

P = Mean Annual Precipitation (Attached) = 44" / year
 ET = Evapotranspiration Potential (Attached) = 21" / year
 DRO = Direct Runoff
 I = Infiltration

Existing Condition:

DRO = Direct Runoff - Calculated with Hydrocad Output - 2 yr storm frequency - Acre-feet
 0.198 Af

Express DRO as % of total P for Watershed - Total Existing Drainage Area

$$\text{Total runoff (Af) / (Exist. Drain Area x 2 yr rainfall, 24 hour storm (3.1"))} = 0.198 / (1.55 \text{ Ac} \times 3.1 \text{ inch} / 12 \text{ in})$$

$$= 0.49 \quad \text{Therefore 49\% of rainfall will become direct runoff in existing condition}$$

DRO = Total rainfall (44") x 49% Total P which becomes runoff
 DRO = 21.56 in / yr Therefore 21.6" of direct runoff per year for existing site
 ET = 21.0 in / yr Therefore 21" of evapotranspiration per year for existing site
 P = 44.0 in / yr Therefore 44" per year of precipitation for existing site

$$I = P - DRO - ET \quad 1.4 \text{ inches infiltrated per year in existing condition}$$

Proposed Condition:

DRO = Direct Runoff - Calculated with Hydrocad Output - 2 yr storm frequency - Acre-feet
 0.154 Af

Express DRO as % of total P for Watershed - Total Existing Drainage Area

$$\text{Total runoff (Af) / (Exist. Drain Area x 2 yr rainfall, 24 hour storm (3.1"))} = 0.154 / (1.55 \text{ Ac} \times 3.1 \text{ inch} / 12 \text{ in})$$

$$= 0.38 \quad \text{Therefore 38\% of rainfall will become direct runoff in proposed condition}$$

DRO = Total rainfall (44") x % Total P which becomes runoff
 DRO = 17 in / yr
 ET = 21.0 in / yr Therefore 21" of evapotranspiration per year for existing site
 P = 44.0 in / yr Therefore 44" per year of precipitation for existing site

$$I = P - DRO - ET \quad 6.1 \text{ inches infiltrated per year in proposed condition}$$

Greater Infiltration in Proposed Condition due to

- Improved landcover; patchy grass areas planted with good grass
- Runoff collected and infiltrated by above ground infiltration / detention basin

AGREEMENT ON TIME EXTENSION

The Board of Selectmen and the Petitioner for a Special
Permit (identify type of permit) Site Plan

File No. #04/30/10-424

Project/Petitioner/Name TD Bank N.A.

Location/Address 408 mass Ave

hereby agree to continue the Public Hearing to
(date) July 26 (time) 8:15 and to extend the
legally required time limit in which the Board of Selectmen must
render a decision to 90 days following the date of the hearing
continuance stated above.

Signed this (date) 6/21/10

Lauren Renshaw
Board of Selectmen

M. Pellet
Petitioner
Counsel for TD Bank, N.A.

This agreement must be filed with the Office of the Acton Town
Clerk.

Christine Joyce

From: Marc J. Goldstein [MGoldstein@bdlaw.com]
Sent: Tuesday, June 22, 2010 11:28 AM
To: Christine Joyce
Cc: jsverling@bohlereng.com
Subject: RE: Site Plan Continuation form TD Bank N.A.



34180001.pdf (84
KB)

Mr. Joyce,

Attached is the signed Agreement on Time Extension.

Marc

Marc J. Goldstein, Esq.
Beveridge & Diamond, PC
15 Walnut Street ~ Suite 400
Wellesley, MA 02481
T (781)416-5715 ~ F (781)416-5799
mgoldstein@bdlaw.com
Please note our new mailing address.

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Please consider the environment before printing this e-mail.

-----Original Message-----

From: Christine Joyce [mailto:cjoyce@acton-ma.gov]
Sent: Tuesday, June 22, 2010 8:42 AM
To: Marc J. Goldstein
Subject: FW: Site Plan Continuation form TD Bank N.A.

Please sign and either email it to me or fax it at 978-264-9630

-----Original Message-----

From: ATH-MGR-COPIER@acton-ma.gov [mailto:ATH-MGR-COPIER@acton-ma.gov]
Sent: Tuesday, June 22, 2010 9:45 AM
To: Christine Joyce
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox

WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: ATH-MGR-COPIER

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



6/21/10
BOS mail

The Design Review Board Memorandum

Project: TD Bank North, 408 Mass Ave., Kelley's Corner, Acton, MA

Architectural Proposal by: Joe Nevin, Bergemeyer
Engineer: Josh Swirling, Matt Murphy, Bohler Engineering
Legal: Marc J. Goldstein, Esq., Beveridge & Diamond,

Date of Review: 5/19/10

The DRB met with the proponent several times over the past two years and believes the proposed new building structure will be an improvement over existing conditions (gas station and garage). The proponent was very helpful in preparing almost a dozen design choices for this corporate satellite office; the DRB selected one they believed best suited the site, given the bank's palette.

The DRB is also impressed that this building proposes to be Acton's first LEED-certified structure, indicating the proponent's serious commitment to sustainable design, one overseen by an independent third party (the U S Green Building Council).

The DRB's primary concern at this stage is with site planning for this site and its emphasis on parking and car-access over pedestrians and bikers. This is because the new building is set back far from the street (at 75') and has a driveway and parking in front of its street-facing facade. Acton's Master Plans, Acton's Specific Area Plans for Kelley's Corner, Acton's most recent outreach effort "Re-Visioning Kelley's Corner," and Acton's Zoning Code, all indicate prioritizing pedestrian experience is key and parking-lots facing the street should be avoided. In this plan, however:

- 27 parking spaces are proposed while Acton by-law requires only 10 Spaces;
- 10 Parking Spaces and a driveway are placed in front of the building facing the street; this means cars and parking lots will be dominant at this prominent site coming into and leaving Kelley's Corner; it will also be impossible for pedestrians to access the bank without crossing a parking lot, (unlike, the more pleasant walking experience in West Acton)
- Additional green space/tall trees will be removed in the southwest corner of the site, replaced by Asphalt parking and a high Retaining Wall.

The DRB understands that the proponent is under direction from a corporate center that fears creating less visible parking will have a negative economic effect. On the other hand, the DRB also understands more walk-able business districts can be an economic boon and enhance residential property values and quality of life, (including health), of residents in nearby neighborhoods. For this reason, the DRB recommends the following, in keeping with the Town's Design Review Guidelines:

- Remove parking along the front of the building, relocating/and or adding spaces to the lot at the rear (on the south side) of the building. In land gained, move the new bank forward, closer to the street. Moving the overall plan forward may save some of the trees and hill at the rear, now slated for demolition. If this change is not feasible, we recommend, at a minimum:
- Remove the 2 front parking spaces to the far right of the front door (as you face the building); Replace with green space and plantings that also serve to screen side (west) parking; this would balance this project's landscape design (the building would have green on both sides of its front). We note the opportunity to plant a tree here as well as 2-1/2 to 3' tall shrubs. We recommend a small native tree such as the Redbud *Cercis canadensis* tree, (2-1-1/2" caliper) or multi-stemmed Shadblow *amelancheir laevis*, 7-8" clump.
- At the southwest corner at the rear of the site, on top of the new retaining wall, we recommend a Black Vinyl coated chain link fence with no privacy slats to blend in best with remaining surrounding vegetation.

We would like to thank the proponents' representatives for their attention to details on this project, and for providing superlative drawings. We've enjoyed working with them and would look forward to seeing them in the future on this or any other project.

Sincerely,

The Design Review Board
The Town of Acton
<http://www.acton-ma.gov/index.aspx?NID=94>

Scott Mutch

From: Robert Craig
Sent: Monday, June 14, 2010 3:49 PM
To: Corey York; Fire Department
Cc: Bruce Stamski; Scott Mutch
Subject: RE: SPSP - 408 Mass Ave - TD Bank

Scott,

As I indicated the other day, I also previously met with the applicants and it appeared that the turning is sufficient. I have no other issues. Thanks.

Robert C. Craig
Fire Chief
Acton Fire Department
978-264-9645
978-266-2885(FAX)

From: Corey York
Sent: Monday, June 14, 2010 3:46 PM
To: Fire Department
Cc: Bruce Stamski; Scott Mutch
Subject: SPSP - 408 Mass Ave - TD Bank

I took a quick look at the plan for the new bank at 408 Mass Ave. Based on our turning templates, it appears that an emergency SU-30 vehicle (fire truck) can safely maneuver within the site and onto Mass Ave.

*Thank You,
Corey York, Assistant Town Engineer*

*472 Main Street
Acton, MA 01720
(978) 264-9628 tele
(978) 264-9630 fax*