



**TOWN OF ACTON**  
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**Planning Department**

**Planning Board**

**TO: Chairperson and Members  
Planning Board**

**DATE: November 14, 2008**

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

**SUBJECT: Lalli Terrace, 442 Massachusetts Avenue  
Comprehensive Permit Application under MGL Ch. 40B**

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Please find attached a copy of a Comprehensive Permit Application under MGL Ch. 40B for 442 Massachusetts Avenue. This application was submitted in between scheduled meetings of the Planning Board and it was therefore not possible to forward to the Planning Board for review and comment. Due to the time constraints and not having the Planning Board's input, Planning Department Staff conducted a review and issued comments pertaining to the application. Subsequently, the application was heard by the Board of Appeals on November 3, 2008. It has been continued to December 1, 2008, to allow the applicant time to address as many of Staff's comments as possible. The continuation also provides the Planning Board the opportunity to comment on the application if they should wish. Attached is a copy of the Planning Department's report and recommendations. Please review Planning Department Staff's comments and provide your input or any other comments which the Planning Board would like the Board of Appeals to consider.



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**PLANNING DEPARTMENT**  
Staff Report & Recommendation

**Board of Appeals**

**TO: Chairperson and Members  
Board of Appeals**

**DATE: October 30, 2008**

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

**SUBJECT: Hearing #08-08, November 3, 2008  
Lalli Terrace, 442 Massachusetts Avenue  
Comprehensive Permit Application under MGL Ch. 40B**

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Location: 442 Massachusetts Avenue  
Applicant: 442 Massachusetts Ave., LLC.  
P.O. Box 2350  
69 Great Road, Acton, MA 01720  
Owner: Margot A. Grallert  
Engineer: Stamski and McNary, Inc., Acton, MA  
Units: 4 Units Total (3 proposed townhomes below 80% of Boston Area Median Household Income threshold and 1 existing single family detached home up to 120% of Boston Area Median Household Income)  
New Street: None  
Legal Description: Middlesex South District Registry of Deeds: Book 13461; Page 487;  
Plan: 7699/450 (116 of 51) also 591 of 1965  
Town of Acton Atlas: Map F2; Parcel 120  
Zoning: R-2 Residential Zoning District  
Groundwater Protection District Zone 4  
**Hearing Date: November 3, 2008**

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Please find attached the Comprehensive Permit Policy evaluation sheet for this project.

### **SUMMARY**

The proposed Lalli Terrace application is for a 4-unit condominium community project already approved by the Department of Housing & Community Development under the Local Initiative Program within the Town of Acton. The project consists of three 2-Bedroom townhomes and one 4-Bedroom existing single family residence. The 3 new townhomes are proposed to be built behind the existing dwelling unit.

The site consists of approximately 0.66 acres (28,060 square feet) of land with a number of mature trees which provide privacy to the lot. There is a wetland located to the south of the property. The subject property is bounded to the north by Massachusetts Avenue, to the east by a commercial

property (K-Mart), to the south by a residential property (Blanchard Place, a 12 unit condominium) and wetlands, and to the west by a residential property. There is also a 20'-0" wide drain easement that runs down the east side of the property.

The site is located immediately adjacent to Kelley's Corner, immediately south of the school complex, is located in an R-2 zoning district and is located in the Groundwater Protection District Zone 4. The project density and location are consistent with the Acton Master Plan and Acton's comprehensive permit policy that seeks to increase density within and near Acton's villages and the Kelley's Corner commercial district. The overall project design and scale do not detract from the neighborhood character and incorporate some of the design elements discussed in the comprehensive policy.

### **STAFF ANALYSIS**

1. The applicant has requested 3 waivers from the Town of Acton's Zoning By-Law. The waivers requested are as follows:
  - 1) Table of Principle Uses: 3.3.5 - Multifamily Dwellings are not allowed in the R-2 zoning district.
  - 2) 3.3 Residential Uses - Not more than one building for dwelling purposes shall be located upon a lot.
  - 3) Table of Standard Dimensional Regulations - Minimum Lot Frontage is 150 ft.

Staff has no issues or concerns with the waivers requested.

2. Typically, a condition of a special permit approval is for the applicant to construct a sidewalk either along the site frontage(s) and interior roadway, or in the local area, or contribute money to the Town sidewalk fund. In this instance, the property's frontage along Massachusetts Avenue currently has a sidewalk. Therefore, staff recommends the applicant construct a sidewalk which runs parallel to the interior drive and connects the 3 new units behind the existing home to the Massachusetts Avenue sidewalk. Should the applicant not wish to construct the interior sidewalk connection, then a contribution to the Town sidewalk fund should be made in the amount of \$1,800.00 (120'-0" interior sidewalk @ \$15.00/linear foot = \$1,800.00).
3. It would be beneficial for the applicant to make every effort possible to maintain as much natural landscaping along the eastern, southern and western property lines as possible. This will help to screen the new residential homes from the commercial property to the east as well as the other existing and adjacent neighbors.
4. Comments were received from a number of Town Departments/Agencies with regards to the proposed development. Copies of these communications have been included in Board packets for your review. All comments received to date seem to be minor in nature but should still be addressed by the applicant.