

**MINUTES OF THE HEARING ON THE PETITION BY HEARING # 09-04  
RICHARDSON CROSSING LLC, 113 CENTRAL STREET**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, September 14, 2009 at 8:30 pm on the petition by Richardson Crossing LLC for approval of a Comprehensive Permit on a parcel located at 113 Central Street, Acton, MA, Parcel 149 on Map G-2 of the Acton Town Atlas. The petitioner proposes four single family dwelling units with one of the units being affordable.

Present at the hearing were Ken Kozik, Acting Chairman; Jonathan Wagner, Member; Richard Fallon, Alternate Member; Kristin Alexander, Assistant Town Planner, and Cheryl Frazier, Board of Appeals Secretary. Also present was the Petitioner, James D'Agostine, his consultant Isabelle Choate, and his Engineer, Mark Donohoe along with some abutters to the property.

Ken Kozik opened hearing # 09-04, read the contents of the application file, and asked the petitioner to begin.

James D'Agostine, the petitioner, began by saying the site is approximately an acre. They are proposing 4 single family cape homes, on their own lots, with two car garages underneath. One home will be affordable. All front doors face the central area or driveway. Jon Wagner asked if there would be any decks. The applicant responded they are considering either a 12 x 12 patio or deck for each unit. Jon Wagner felt the plans submitted weren't clear with regards to what they are proposing.

The memos from the Town departments, boards and committees, and other agencies were briefly discussed. The petitioner stated that Title 5 requirements have been met. Mark Donohue, Engineer for the project, said all comments and issues will be addressed. Ken Kozik asked the applicant if he was planning on taking care of the outstanding property taxes mentioned in the letter from John Murray, Tax Collector. Mr. D'Agostine said they would take care of them.

Ken Kozik asked Nancy Tavernier of the Acton Community Housing Corporation (ACHC) to summarize the ACHC memo. Ms. Tavernier said her comments are the same as with the previous hearing for 93 Central Street in which the ACHC stated because these projects are in the Mass Housing program, there was less opportunity for the ACHC to drive the process. Under Mass Housing programs, the Monitoring Agent role is assigned to a separate entity to monitor the development; it will not be the ACHC or the Town. The ACHC has less of a role on the whole project but would like to be kept in the

loop for the lottery. The ACHC requests that special wording in the ZBA decision be written to allow the ACHC to review the marketing materials prior to final approval.

Also included in the file was a memo from Stephen Anderson, Town Counsel with a brief overview of their issues that need to be addressed.

Brenda Cooper, of 107 Central Street said she is very concerned because her house and one of the proposed houses are both close to the property line. She believes the Board should conduct a site visit. The site is on a hill with approximately a 45' foot grade and is a beautiful wooded area. She is concerned that many of the trees will be removed and there won't be a visual or sound screen from the apartment complex nearby. The garages are proposed underneath the homes, and if there is ledge, there will be blasting. The impacts of the blasting might not appear for years. Ms. Cooper is also concerned that the development will push water onto her property. In addition, she wants the stone wall and the knoll that she shares with another neighbor preserved.

With regards to the blasting, Mark Donohoe replied that he does not think the bedrock present on the property would require blasting. If it did, the Fire Department and the insurance company would conduct inspections of the surrounding houses and take pictures inside and outside each property.

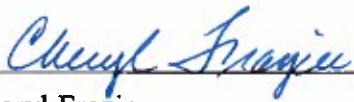
Deborah Piper, of 101 Central Street stated that in the spring the water already streams down from the apartment complex, so once the structures are built on the property, the drainage issues can only get worse.

John Horan of 101 Central Street stated there is no precedent in the neighborhood for the density proposed. He is concerned that developers can use a 40B Comprehensive Permit to totally disrupt a neighborhood.

The Board would like to meet with the developer for a site walk on Monday, September 21, 2009 at 8:00 am beginning at 93 Central Street and continuing on to 113 Central Street. It will be posted at Town Hall.

Ken Kozik moved to continue hearing #09-04 to Tuesday, October 20, 2009 at 9:00 pm in Room 126 of Town Hall. The motion was seconded, and all voted in favor.

Respectfully submitted,



Cheryl Frazier  
Secretary to the Board of Appeals



Ken Kozik  
Board of Appeals