



MINUTES OF THE HEARING ON THE PETITION OF
RICHARDSON CROSSING LLC, 113 CENTRAL STREET

HEARING # 09-04

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, November 16, 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 123 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 Jonathan Wagner, Member; Ken Kozik Acting Chairman; Richard Fallon, Alternate member; Scott Mutch, Assistant Town Planner and Cheryl Frazier, Board of Appeals Secretary. Also present was the Petitioner, James D'Agostine, his consultant Isabelle Choate and several abutters to the property.

Ken Kozik re-opened hearing # 09-04, read the new submissions in the application file, and asked the petitioner to begin. Petitioner said he was working through all the outstanding issues.

Ken Kozik asked Scott Mutch to run through the comments from Kristin Alexander of the Planning Department since she was unable to attend tonight.

Scott began by saying the first issue was the distance between two of the units on the site. Staff realized there is only 1.2' between house #113 and Parcel A and only 1.6' between the house #109 deck and the lot 4 property line. If possible parcel A boundary and the lot 4 boundary should be changed to allow at least 5' wide (preferably 10' wide in the case of house #113) clearance in these areas. The Engineer and applicant said they would put easement language in.

The next issue was in regards to the trees and shrubs, and the sod being drought resistant. Mr. D'Agostine said they will have to do drought resistant sod because of the topography of the lot. Ken asked Scott to check with Dean on that.

The easement to parcel A has been widened to 30' which is an improvement. The arborvitae should be located or removed to allow at least 12'-wide clearance to parcel A for sewage disposal service vehicles. As far as staff can tell, parcel A is not accessible from Central Street and adequate internal site access to parcel A is necessary. Scott Mutch to ask Kristin about this.

When the legal documents are received, the plan sheet 3 note should specify the title, recording information and purpose of each document. The applicant said they will do that.

The zoning classification is not on the Record Plan sheet. When the zoning classification is placed on the Record Plan sheet, this issue will be resolved. The street address sign on all plan sheets should be changed to "street address sign" so there is less room for error in the field.

If approved the applicant should ensure that all legal documents (deeds, covenants, etc.) reference the correct, approved and recorded plan and decision. The applicant will do.

In addition, staff defers to Town Counsel for a complete review of all legal documents.

The next issue is with the Finance Department on the tax issue. The applicant said it would be taken care of.

Planning Dept. issues have been addressed.

Ken began going over the Engineering comments. Item # 1 remains outstanding, the applicant will need to reserve rights for each of the individual units so that they can provide access and utilities across the abutting lots as shown on the plans. The applicant stated that the required rights will be reserved. Legal language will be in the decision. Item # 2 no comment on waiver driveway grade. Item # 3 the applicant said that soil evaluations have been scheduled with the Board of Health. Item # 4 has not been completed but they will do. Item # 6 some of the slopes and inverts remain unlabeled on the plans, the applicant will take care of that. Scott will follow up with Engineering on that. Item #16 the engineer should show the sewage disposal system and label it removed and not shown on the plans. The engineer stated when the construction is done they will do that. The plan should show existing utilities.

BOH comments are all set.

Fire Dept. comments are all set.

The BOS comments were read into the record by Ken.

The only issues left this evening are the few items that Scott Mutch will look into for clarification from the Planning Department.

Ken then asked for comments from the abutters.

One abutter had concerns with 40B's being within 500 feet of each other on Central Street. He continued by saying they have the two proposed tonight and there are rumors of two more. He asked the Board for their opinion. Jon Wagner said the Board has the authority to object it outright. He said it's a balancing act and if they reject this because a house is five feet away the applicant could appeal the Board's decision.

Ken moved to continue the hearing to Tuesday, December 15th, 2009 at 8:30 in Room 126 of the Town Hall. Jon so moved and Rich Fallon seconded the motion.

Respectfully submitted,



Cheryl Frazier
Secretary to the Board of Appeals



Ken Kozik
Chairman of the Board of Appeals