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**MINUTES OF THE HEARING ON THE PETITION OF 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 Tuesday, December 15, 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 many abutters to the property.

Ken Kozik re-opened hearing # 09-04, read the new submissions in the file, which included the Planning Department memo, a memo dated December 15th from John Murray, Town Treasurer, an Engineering Department memo, an email from 42 Tuttle, a memo from Municipal Properties, a memo from Board of Health, and a memo from Acton Survey and Engineering.

Ken asked Scott Mutch to comment on his memo. Scott said on item # 5 of page 1, staff realized in re-reviewing the plan there is only 1.2' between house #113 and Parcel A. Also, there is only 1.6' between the house #109 deck lot 4 property line. If possible the 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 Board of Appeals could address this concern through a condition set forth in the Decision requiring the applicant to provide the necessary easements. Item # 6 of page 2, the Tree Warden, Dean Charter finds that the proposed trees and shrubs specified on the plans are acceptable to be considered drought resistant and is comfortable with the installation of sod. Item # c on page 3 the easement will provide access to the septic system. Dean Charter is comfortable with the location and placement of the proposed aborvite. Item #d covenants and language have not yet been addressed but will be and #e on page 3 has not been addressed by the applicant but will be. Have the attorneys hash that out. Item # e the chart with zoning classifications and setbacks should be on the record plan sheet.

Staff had concerns previously with the street address sign and stop sign and would like "street address sign" labeled on all plan sheets so there is less room

for error in the field. Item f. Town Counsel needs to review all legal documents. Item # h. the applicant has a large amount of outstanding taxes. They have gone to the Town Treasurer, paid their first payment and will go on a payment plan that has been determined. All the taxes owed would be brought up current by February 3, 2010. The applicant would like the wording to be on or before February 3rd. A Professional Land Surveyor should certify/stamp all plan sheets that show existing conditions such as elevations, existing houses, setbacks, etc.

Engineering Dept. comments dated today. #1 requested waiver for access to utility easements. The engineer would provide access to utility easements. They will do an easement plan. Soil evaluations have been completed. The Board of health is fine but Engineering has more issues. The applicant will do this for the Engineering Dept. #6 Some of the slopes and inverts remain unlabeled on the plans. #7 The elevations for the throats in the proposed catch basins should be changed. The applicant's Engineer will deal with that. Item #22 the applicant assures that an SU-30 vehicle can maneuver this site without traveling over the grass. Item #24 prior to obtaining a demolition permit for 113 Central Street the applicant will be required to locate and disconnect any existing utilities per the State Building Code requirements. Item # 28 the Engineering Department recommends that the applicant incorporate some language for the private way into their legal documents and maintenance agreements so that future residents clearly understand the Town will not be responsible for snow plowing or any other related maintenance and that the roads will not become public ways.

Health Department has reviewed revised plans and finds no issues at this time.

Deborah Piper of 101 Central St. said the runoff is just awful on that site. She's uphill from the site so she won't need to deal with it but her two neighbors will and in the winter it will ice up and be dangerous. The Engineer feels that it will be a slight improvement from what it is now.

Terra Friedrich's had a question about the stone wall on the property and if it was going to stay. For the record Terra Friedrichs said this is a contribution to the denuding of Acton.

Jon moved to continue the hearing to 8:30 the 25th of January 2010. Rich Fallon seconded the motion. The motion was so moved.

Respectfully submitted,


Cheryl Frazier
Board of Appeals Secretary



Ken Kozik
Chairman, Board of Appeals