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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 Monday, January 25, 2010 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 was Ken Kozik, Chairman; Jonathan Wagner, Member; 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 engineer Mark Donohue and many abutters to the property.

Ken Kozik opened hearing # 09-04, read the new submissions in the file which included comments from the Planning Department Zoning Enforcement Officer, the Engineering Dept. and the Board of Health.

Ken asked Scott to begin with his comments and what his outstanding issues were. Item #5 staff does not believe this is a significant issue or concern at this time. The BOA could address this concern through a condition set forth in the Decision requiring the applicant to provide the necessary easements.

In Item 6 the Tree Warden, Dean Charter the proposed trees and shrubs specified on the plans are acceptable to be considered drought resistant. Also, on the landscape detail a note has been added indicating that sod will be installed over 9" inches of loam. The Tree Warden is comfortable with the location and placement of the proposed arborvitae.

Item f Planning Department staff still defers to Town Counsel for a thorough and complete review of all legal documents pertaining to this comprehensive permit.

Item h, the outstanding property taxes, the applicant entered into an agreement with the town to meet the dates to make payments which he has done up until now. The Town of Acton Collector's office received a payment of \$17,565.25 on January 21, 2010 which satisfies the scheduled middle payment of the outstanding property tax payment agreement. Payment in full of all remaining outstanding taxes, penalties, and interest on all properties that Mr. D'Agostine is involved with are due to the town on or before February 3, 2010. Staff recommends that the remaining specific timeline requirement be explicitly written into any Decision rendered by the BOA.

At the previous hearing Staff was asked to re-review the proposed FAR. While the numbers are not exact, the project as currently proposed does exceed the .25 FAR for projects outside of the Village Centers and Kelly's Corner. However, the .25 FAR is only a guideline for the BOA to refer to. It is the discretion of the BOA as how to proceed in this regard.

On an additional note the Planning Department has concerns with the proposed evergreen trees to be planted across the Central Street frontage of the project. As the trees mature they will block a significant amount of sunlight to the dwelling units, decks, and pavement areas during the winter months. The alternative would be forsythia or lilac bushes be planted.

Staff recommends as few conditions as possible be written in the decision and all outstanding issues be from town departments be should be addressed by the applicant prior to the public hearing being closed or the decision be rendered.

Mr. D'Agostine stated that before the next hearing he will meet with the Fire Department, Engineering and all the departments with issues that need to be addressed.

Ken explained that the Board is looking for comments from all the departments stating that they are all set.

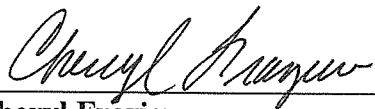
Brenda Cooper, abutter at 107 Central Street. She said it's heartbreaking to have that spot changed after so many years. The scale of the houses will change her property. She believes they are too large and they are too close and it will drastically change her property. She added that she'd also like to keep the evergreen trees as a screen in front of the decks because she doesn't want to see them. John Horan, 101 Central Street said the drainage on the property is already an issue. Mark Donohue said they are recharging the water. They treat the storm water runoff to protect the environment. There will not be an impact on the amount of runoff. There won't be many changes, what is there now won't get any worse or any better.

Mrs. Honn, 105 School Street asked the developer if he would be willing to meet with the Design Review Board to get design ideas. He said in the beginning of this process, Nancy Tavernier of the ACHC met with him and she recommended this type of project in a neighborhood like this one vs. a huge Victorian building with 12 apartments. He said it's too late to start over, change everything and go before the state again. Deborah Piper, 101 Central Street said if you look at the density within a half a mile it doesn't fit the neighborhood.

Ken Kozik recommends that the petitioner work with the Town to address the final issues that the departments have.

Jon Wagner moved to continue the hearing to Wednesday February 24, 2010 at 8:30. Rick Fallon seconded the motion.

Respectfully submitted,



Cheryl Frazier
Board of Appeals Secretary



Ken Kozik
Chairman, Board of Appeals