

**Monday, March 3, 2014 7:30 PM**

**Hearing #13-06**

**6 Post Office Square**

**Continued**

Present at the hearing were Ken Kozik, Member; Richard Fallon, Member; Suzanne Buckmelter, Alternate Member; Scott Mutch, Zoning Enforcement Officer and Cheryl Frazier, Board of Appeals Secretary. Also present at the hearing was Attorney Louis Levine from D'Agostine, Levine, Parra & Netburn, James MacDowell, of Eastern Land Survey Associates, William Luster, and Rebecca Curran , Landscape Architect from RC Design.

Ken Kozik re-opened the hearing by listing the new documents that were submitted since the last hearing. The first document, dated February 19, 2014 was from Eastern Land Survey Associates, Inc. to Chris Allen at the Water District. The second document dated February 20, 2014 was from the Design Review Board with their comments. The third document was a list of Waiver requests from the applicant. The fourth document was a memo from John Keilty to the Engineering Department date February 18, 2014. The fifth document was a Board of Selectmen document with their comments, dated February 25, 2014. The sixth document was an email dated February 27<sup>th</sup> from Matt Mostoller of the Acton Water District to the BOA. The seventh document was an email from Matt Mostoller to Eastern Land Survey Associates, Inc. regarding the Water Impact Report. The eighth document dated February 27, 2014 was and email from Doug Halley of the Health Department to Cheryl Frazier regarding the wastewater system. The final and ninth document was an email from Dean Charter, of Municipal Properties to Rebecca Curran regarding the proposed landscape plan.

Ken said before he begins he wanted to thank the petitioner for giving the Board the opportunity to view the site.

Ken recapped what happened at the last hearing. He said there were a number of outstanding issues with various Boards and Town Departments and he asked Mr. Levine if all the issues had been taken care of. Ken asked where they stand with the outstanding issues.

Mr. Levine said they met with Doug Halley Board of Health and believe they have met his concerns and he is satisfied with the plans. They also met with Chris Allen of the Water District and he was satisfied with the plans and would like to stay in the loop with the monitoring of the plan. There was discussion regarding the landscaping plan. Dean Charter has now seen and reviewed the landscape plans and has made a couple of recommendations which they are fine with. Design Review Board issued a letter endorsing the project as designed and had some recommendations. The Board of Selectmen issued a letter supporting the project and made five recommendations that the applicant will meet. One of their requests was for a contribution to the town sidewalk fund. Lou mentioned that they might have an issue with that. The Engineering Department asked them to submit a memo and supporting documents from Attorney Keilty relative to their right to drain into the drainage system.

Lou said he will deal with the sidewalk issue. This is a very small project with sidewalks along Post Office Square, which is a private way, and with a sidewalk already on Main Street. With Nancy Tavernier's help they looked at the 40B projects in the past and found that a majority of the projects had not been asked to contribute to the sidewalks. It would be a task on the project. Ken said it's not a major stumbling block.

Ken asked Lou about the waivers. Ken said it seems like there are a lot more waivers than there were before. Mr. Levine said it did grow a bit. He said he sent it to Scott for his review.

Ken asked Scott if he got a chance to look at the list. He said he did look at it briefly and it is thorough, it's comprehensive and it does cover a vast majority of the waivers that are required.

Rebecca Cutter, Landscape Architect said she went over the plan with Dean Charter and he agreed with it, but at the last meeting there was a property owner present that suggested a fence to delineate the property lines so people don't end up encroaching the property. The fence will be a post and rail vinyl fence that they are proposing along one side of the property line and along the back of the property and that's the only change.

Ken asked Scott for his input. Scott said he thinks everything has been covered with the revisions that were made and with the waivers that were sought he thinks they're comfortable.

Ken asked member Suzanne Buckmelter if she had any questions. She asked if they had considered a solid fence to deter people from going through it.

The landscape architect, Rebecca Cutter felt with the open fence you could see the natural land and the post and rail would be a better solution.

Ken asked Rich Fallon if he had any questions. Rich thought the last time there were various questions from the Engineering department. Lou said he spoke with Paul Campbell, of the Engineering department and his understanding was the landscaping was outstanding but they were going to get that done with Dean Charter. Paul had raised an issue relative to the drainage and said specifically he just wanted it to be raised. Lou believes everything else has been resolved with the Engineering Department. Rich asked Lou if he could get something from Engineering stating that. Lou said there is a more recent memo in January stating that.

Rich would like the petitioner to get something from the BOH and the Engineering Dept. stating they are all set.

Brewster Conant abutter, 562 Main Street had some questions in connection with the fencing. He'd like to see the fence extended some and he's sure the Water District would like that too. Lou told Mr. Conant to look at the plan now and just mark it up.

Louise Gehardt, 22 Grasshopper Lane, abutter has a question about the wetlands. Lou Levine explained that there is a letter from Conservation stating that they don't fall within the jurisdiction of the wetlands or any vernal pools. She just wanted to have clarification that any drainage running to the strip in the back of her property will not affect the wetlands. She also had questions about the drainage and how it would affect her property.

Ken said he likes the idea of keeping the hearing open. Rich and Suzanne agreed. Ken said the draft decision would be circulated to everyone to look at. Scott told Ken when they release the Draft Decision it will be put on the town docushare website for everyone to view.

The Board, Lou Levine, and Scott spoke briefly regarding the sidewalk request that the Selectmen are asking for. Ken asked Scott Mutch if he could look into the past 40B Comprehensive Permits and if they were required to make contributions toward sidewalks on their project. Lou had the statistics of the past 40B's and if they contributed or not, which he shared with the Board.

The Board moved to continue the hearing to Monday, April 14, 2014 at 7:00 pm in Room 204.