

**BOARD OF APPEALS
MINUTES OF THE HEARING
July 12, 2010**

R E C E I V E D
AUG 13 2010

TOWN CLERK, ACTON

An Acton Zoning Board of Appeals hearing was opened on Monday, July 12, 2010 at 7:30 pm in the Room 126 of the Town Hall.

Present at the hearing were Ken Kozik, chairman, Jonathan Wagner, member and Adam Hoffman, alternate member. Scott Mutch, Assistant Planner and Zoning Enforcement Officer; Kim Gorman, Planning Department Secretary (interim for Cheryl Frazier, Board of Appeals Secretary).

Attending the hearing for the petitioner were Dennis Dyer (99 Parker Street, LLC), Mark Starr (Starr Builders), Nancy Tavernier (Chairwoman of Acton Community Housing Corporation - ACHC). Also attending the hearing were abutters and interested parties from Acton.

Ken Kozik re-opened the public hearing for the Autoplex Realty, LLC for 50 Powder Mill Road Special Permit at 7:30pm. Mr. Kozik stated the applicant's lawyer had requested a continuation for the project. Board members agreed to continue the public hearing for Autoplex Realty LLC Special Permit to August 2, 2010 at 6:30pm in Room 204 at the Acton Town Hall.

#10-07 - 99 Parker Street, LLC - Session #1

Ken Kozik opened the public hearing for the Hearing #10-07, 99 Parker Street Comprehensive Permit Application under MGL Ch. 40B.

Dennis Dyer explained the proposed project to build a 5-unit condominium community project. He stated it has already been approved by the Department of Housing & Community Development under the Local Initiative Program with the Town. He stated he first came to the Town with it as a concept plan and met with department heads and received feedback and changes to finalize before it was brought in as a comprehensive project. The project consists of a total of five (5) 3-Bedroom, 2.5 bath single family residence. Four (4) of the dwelling are to be new construction and the fifth is an existing farmhouse structure which will be renovated and remodeled. The site consists of approximately 1.42 acres of land with a river and wetlands running through the center of the property. There is one (1) neighbor by one additional residential property and the Massachusetts Bay Transportation Authority railroad corridor. The southern and western sides of the property are bounded by the Town of Acton conservation land. The eastern side of the property is bounded by Parker Street.

Mark Starr stated he has built many single family homes and wanted to give back to the town. Mr. Starr wanted to do affordable homes, instead of high market rate homes. Mr. Starr stated he would like one of the homes to be affordable for a disabled veteran. He stated he is unaware if that could work with the Ch. 40B statute but is looking into it.

Mr. Dyer stated the plans can be revised to reflect the comments made by the various town departments. Mr. Dyer stated he had received the Engineering Dept. comments late

on 7/12 and would have liked to sit down with the department to work out the comments but can address the comments for the next meeting.

Board members asked and commented as follows:

What would be the size of the homes? Mr. Dyer stated the house for a handicapped person with a garage would be 1,500 square feet.

- What is the size of the current home at 99 Parker Street? Mr. Dyer stated it is at 1,800 square feet.
- What type of style homes? Mr. Dyer stated they would be framer style homes, 1950 style.

Members of the public had the following comments/questions:

Mrs. Tavernier stated she wants to encourage this project as fast as possible. She has no objection and it was a group effect. It is a small scale of home and they would be great starter homes. There were other supporters from the ACHC as well. They stated it is a nice project and it was a pleasure to work with the developers. Please pass the project.

Mr. & Mrs. Klopff, 97 Parker Street, stated they have concerns. There is a large ledge on the back end of 99 Parker Street, which is in front of their property. They wanted to know if blasting would occur due to the sharpness of the ledge. Mrs. Klopff stated they have a fieldstone basement and do not want it disturbed.

Mr. Starr stated they are having a survey of the property and would fix any problems if it was disturbed.

Board members requested for the Klopff's to place their concerns in writing to the Board and would place their concerns within the decision.

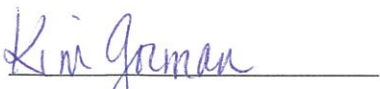
Board members requested a scheduled site walk at 99 Parker Street Comprehensive Permit File # 10-07 on July 23, 2010 at 3:30 PM.

Board members requested to reschedule the public hearing to add staff comments, neighbor's concerns and site visit comments.

Board members agreed to continue the public hearing for 99 Parker Street Comprehensive Permit File # 10-07 to August 2, 2010 at 7:30pm in Room 204 at the Acton Town Hall. Motion was made to continue the public hearing, 2nd; all in favor.

Motion was made to close the meeting, 2nd; all in favor; meeting adjourned at 8:55 PM.

Respectfully submitted,



Kim Gorman, Interim for
(Cheryl Frazier,
Board of Appeals Secretary)



Kenneth F. Kozik
Chairman of the Board of Appeals