

Monday, April 14, 2014 7:00 PM

Hearing #13-06

6 Post Office Square

Continued

Ken re-opened the hearing for the Comprehensive 40B Hearing #13-06 for 6 Post Office Square.

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, and William Luster,

Ken Kozik began by reading the new submissions in the file since the last hearing was held on March 3, 2014. There is a submission from Acton Community Housing Corporation dated today, a Post Office Crossing Homeowner's Trust document, a draft decision from Scott Mutch, Zoning Enforcement Officer, a red-lined revision from Lou Levine in reaction to that that draft decision. A note from Rebecca Curran, another note from Acton Community Housing Corporation and a draft decision which has Town Counsel redlined comments.

Ken Kozik stated that in his opinion generally the Board does not consider things that are submitted on the evening of the hearing. The Board works during the day so are unable to read these documents.

Ken asked his fellow Board Members if they wanted to go through Mr. Levine's redlined draft decision or Town Counsel's. The Board agreed to go over Town Counsel's version of the red-lined draft decision.

Next, Ken wanted to deal with Mr. Conant's request regarding the post and rail fence and demarcation of property in the back so there's no trespassing. Ken doesn't see it as part of this decision. The applicant stated that when they met with Mr. Conant after the last hearing and agreed on what they'd do and set the language but it was not put in the decision but they have no problem putting it in the decision. Ken said the language states that in addition to the post and rail fence as shown on the landscape plan of record the fencing shall extend an additional 94 feet in a Southeastern direction. Ken asked if that addressed Mr. Conant's concerns. He replied it did for the most part. Ken said they would be sure that the language goes in the decision.

That was not in the decision but the developer promises it will be put in the decision. Ken asked Lou if he had any issues with the Acton Community Housing Corporation memo that was submitted today. Mr. Levine did not have any issues.

Ken asked Nancy if she had any other questions or concerns. He asked the same of Mr. Conant. Neither of them had any issues.

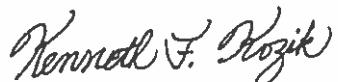
After discussing the redlined changes made by Town Counsel in Scott Mutch's draft decision the Ken asked the Board members if they wanted Scott to update the draft decision to reflect the changes made tonight and have another open hearing to review it again, or approve it subject to the changes that were discussed tonight and close the hearing. Board members Suzanne Buckmelter and Rich Fallon believe and agreed that the hearing should be closed tonight. The applicant and Mr. Levine agreed.

The applicant graciously offered to donate \$9,000 to a sidewalk fund after the sale of the 10th house.

Ken asked for a motion to close Hearing #13-06. The motion was so moved. The hearing was closed.

The Board VOTED to APPROVE the 40B COMPREHENSIVE PERMIT, Hearing #13-06, for 6 Post Office Crossing subject to the modifications that were added to the draft document of Town Counsel's memo.

Respectfully submitted,



Kenneth Kozik
Chairman, Board of Appeals



Cheryl Frazier
Secretary, Board of Appeals