



## DESIGN REVIEW BOARD

### Meeting Minutes

June 23, 2021

7:00 PM

Acton Town Hall

**Present:** Peter Darlow, (Chair), David Honn, Richard Keleher, Holly Ben-Joseph, Tom Doolittle, Dean Charter (BOS Liaison), Jon Cappetta (Planning Board Liaison)

Public Attending: Terra Friedrichs

### 1. Opening

Chair, Peter Darlow opened the meeting at 7:06 p.m.

### 2. Regular Business

- A. 22 Elm Street – Peter informed the DRB that a neighbor's group has filed a lawsuit against the Planning Board over its approval of the 22 Elm Street project (previously reviewed by the DRB). The issues are related to the interpretations of the PCRC zone requirements and the lot widths provided in the plan.

### 3. Special Business

- 3 & 11 Fort Pond Road Residential Compound – Team Attending: Paul Kirchner, Stamsky & McNary representing Celestine Properties, LLC

Documents reviewed:

- Definitive Subdivision Plan for Grassy Pond Way, 3 & 11 Fort Pond Road, Acton, MA 01720, prepared by Stamski & McNary, Inc.
- Application for Approval of a Definitive Plan for Grassy Pond Way, 3 & 11 Fort Pond Road, Acton, MA 01720, prepared by Stamski & McNary, Inc.
- Stormwater Management Report for Grassy Pond Way, 3 & 11 Fort Pond Road, Acton, MA 01720, prepared by Stamski & McNary, Inc.

The full list of drawing sheets reviewed can be found in the attached project review memo

This project proposes to subdivide two existing parcels totaling approximately 9.5 acres to create a residential compound of 4 houses, 2 of which are existing. Approval of the plan as a residential compound will allow the proponent to reduce the size of the driveways and save more trees. Three of the houses will share a common driveway; the



fourth house (the existing main house) will be part of the homeowners association in spite of having a separate driveway. One of the proposed houses (Lot 3) is within the 100' wetland buffer zone but outside the 75' no-build zone.

The DRB asked if there would be impacts to Public Shade Trees from the project, and if the sight lines at the street would comply with the 275' minimum requirement of the town. The proponent indicated that there would be impacts to Public Shade Trees and that tree removal would be necessary to comply with the sight line criteria. The DRB recommended that the proponent meet with town staff to review the Public Shade Tree criteria and the sight line issue.

The DRB also asked about the storm water detention basins shown on the plan and their visibility and impact on the site and suggested that they be designed to blend in better with the overall site development. Similarly, the DRB asked about the septic design and asked about the visibility of the mounds created for the septic fields; the proponent felt that they would blend into the grading required for the roadway. Please refer to the attached review memo of the project for a detailed summary of the DRB member comments.

The public had the following comments:

- Terra Friedrichs asked how many residences could be accommodated on the site under a normal subdivision design. The proponent indicated that would also be 4 residences.
- 90-92 Willow Street – Team attending: Jim D'Agostone, developer; Ian Rubin, civil engineer; Sukhjinder Bajwa, owner

Documents reviewed:

- Reconstruction of Non-Conforming Two-Family Dwellings "Willow Woods" 90-92 Willow Street, Acton, prepared by Markey & Rubin, Civil Engineers

The full list of drawing sheets reviewed can be found in the attached project review memo

The site of this project currently consists of two structures, a house that is listed on Acton's Cultural Resource List and a barn. Each of the structures contains two dwelling units. The proposal is to demolish both structures and build two new duplex structures, maintaining the existing bedroom count in the development. Each unit would have a two-car garage; two driveways from Willow Street would be built, each servicing two units. A new septic system and field would be built for the development.

The DRB asked questions about whether the proposed development was allowed under the current zoning of the site (R-4), as it would require the proponent to prove that the existing structures (two-unit residences) are legally non-conforming; additional



documentation of the history of the buildings would be required to prove that status (no such documentation was offered as part of the project presentation, and research by one DRB member failed to find any documentation that could be used to prove that the current use was legal).

The DRB strongly recommended to the proponent that the existing CRL listed house be preserved and renovated in its current location, and converted back to a single family residence. A second dwelling unit could be added to the existing house if the current use was proven to be legally non-conforming; it is recommended that this addition be designed in a manner that is deferential to the historic structure. Further review and analysis is required by the Planning Board on this proposal; should the development ultimately be approved, the DRB recommends that a review of the approved plan be performed by this board. Please refer to the attached review memo of the project for a detailed summary of the DRB member comments.

No public comments were offered on this project.

- 516 Massachusetts Avenue – Team attending: Mark O’Neil, owner; Bill Dickinson, architect

Documents reviewed:

- 516 Massachusetts Ave., Acton, MA Concept Plan, prepared by Dickinson Architects, LLC
- Conceptual 40B Plan in Acton, Massachusetts for O’Neil, prepared by Stamski and McNary, Inc.

The full list of drawing sheets reviewed can be found in the attached project review memo

This project proposes to build a new structure on the site of the former cigar factory in West Acton. The site is not within the West Acton Historic District. The project is proposed as a Chapter 40B development and would include four units of owner-occupied housing; one unit would be subsidized. The units would be all be two-bedroom with sizes of between 1000 and 1300 square feet. The site is located in the Village Residential zone; the proposed development meets all dimensional requirements under the zoning except the minimum lot size. The project would include on-site septic and would provide eight spaces in an open parking lot behind the building.

The DRB applauded the owner for bringing the project in for review at a very preliminary stage. The overall scale and massing of the building felt appropriate for the location, and the placement on the site was good. The DRB offered the following suggestions:

- Consider rental units aimed at low-income rather than market rate; these could be reduced to as little as 600 SF.



- Consider making the affordable unit in the proposed development a single level and accessible.
- Consider reducing the parking lot to six cars (0.7 spaces per unit is allowable) which would allow the retaining wall at the corner of the parcel to be reduced or eliminated.
- Consider providing landscape screening for the adjacent condominiums (520-526 Massachusetts Avenue) to reduce visual and lighting impacts; due to space limitations this may have to occur on the adjacent property.

Please refer to the attached review memo of the project for a detailed summary of the DRB member comments.

The public had the following comments:

- Terra Friedrichs commented as follows:
  - The building should be set farther back from the street
  - Are there any remnants of the cigar factory foundations on the site? If so, they should be preserved
  - The slope of the existing site at the back corner will cause problems for the parking lot development
  - She would advocate for a citizen's petition to purchase the site for a parking lot to service West Acton Center

#### **4. Adjournment**

At 9:05 p.m. it was moved and seconded to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted,

The DRB



**TOWN OF ACTON  
DESIGN REVIEW BOARD**

Review Memorandum: Grassy Pond Way – 3 & 11 Fort Pond Road Residential Compound  
In Person Meeting  
June 23, 2021

Design Review Board (DRB) Members in attendance: Peter Darlow (Chair), Holly Ben-Joseph, David Honn, Richard Keleher, Dean Charter, (Select Board Liasion), and Jon Cappetta (Planning Board Liasion)

Proponents in attendance: Paul Kirschner of Stamsky & McNary representing Celestine Properties, LLC

Documents Reviewed: Definitive Subdivision Plan for Grassy Pond Way, Acton MA, date May 10, 2021.

Page titles:

Sheet 1 Title Sheet  
Sheet 2 Record Plan  
Sheet 3 Existing Conditions Plan  
Sheet 4 Site Development Plan  
Sheet 5 Site Development Plan  
Sheet 6 Construction Details  
Sheet 7 Erosion and Sedimentation Control Plan

It is proposed by the proponents to subdivide an existing approximate 9.5 acre (415,415 square feet) lot, located at 3 & 11 Fort Pond Road, into a residential compound comprised of 4 house lots. Lot 1 will provide 2.3404 acres for a new house. Lot 2 will provide for an existing house to remain. Lot 3 will provide for a new house. Lot 4 will preserve the existing house. All four lots as proposed, are of similar size at between 2.3404 acres and 2.4459 acres.

Despite not sharing the common driveway, the proponent stated that the existing main house on Lot 4 will be a part of the homeowners association. The two proposed retention ponds are located on this parcel, and they will share in common expenses.

This is the first review of the proposed Grassy Pond residential compound. The compound is laid out so that all of the four buildings are at the front of their lots, thereby preserving wetlands leading down to Grassy Pond at the rear of the properties. Grassy Pond was not shown on the Definitive Subdivision Plan.

The new house on Lot 3 is within the 100' buffer zone from the wetlands, but is outside of the 75' buffer, which is the no build zone.

The DRB asked whether there are Public Shade Trees along the roadway that will be impacted by the project. The proponent stated that there are trees that will be impacted, but could not identify how many and where (they are not shown on the plan). The proponent was advised to check with the Town Planning Department regarding the recently changed Select Board Policy on Public Shade Trees, to get direction on what are the new requirements regarding Public Shade Trees, which should be shown on the plan.

There was discussion of the 275 foot sight lines, of which there is a plan in the drawings presented. Trees will need to be removed to meet this requirement. As noted above, they are not shown on the plans. To ensure public safety, the DRB recommends that the developer's measurements should be independently verified by a third party survey, speed analysis, and measurements.

There was discussion of the slopes at the infiltration basins. The concern was that they are fairly steep and are in the front yards in prominent locations along the street and at the entrance drive.. The DRB wondered if they might be made less obtrusive by designing them in a natural shape and by reducing the slopes.

There was discussion of the mounds for the septic systems. The proponent said that they would not be obvious.

The proponent said that the current request is for a permit for just the road installation. They will be resubmitting for approvals of the rest of the development.

The DRB recommends, and advocates for, a condition of approval to prioritize maintaining as many mature trees as possible when new developments in Acton are approved. The DRB suggests the proponent be required to walk the land with a landscape architect or arborist to identify individual and stands of mature trees to be maintained in conjunction with the subdivision as proposed. The DRB suggests that the proponent definitively illustrate how many trees are to be removed along Fort Pond Road to achieve the site lines per the sight line diagram.

The DRB is otherwise comfortable with the definitive plan as proposed.

Respectfully submitted,

The DRB



**TOWN OF ACTON**  
**DESIGN REVIEW BOARD**  
Review Memorandum: 90-92 Willow Street  
June 23, 2021

DRB Members in attendance: Peter Darlow (Chair), David Honn, Richard Keleher, Tom Doolittle, Holly Ben-Joseph; Jon Cappetta (Planning Board Liaison); Dean Charter (Select Board Liaison)

Proponents in attendance: Jim D'Agostone (Developer), Ian Rubin (Civil Engineer), Sukhjinder Bajwa (Owner)

Documents Reviewed:

- NI Neighborhood Images
- CO Cover Sheet
- EC Existing Conditions
- G1 Grading Plan
- U1 Utility Plan
- PP Common Drives Plans and Profiles
- B1X Plan of Land
- ES Erosion and Sediment
- D1 Detail Sheet

Findings:

The proposed project site, 90-92 Willow Street is located outside West Acton Village on a 40,668 SF plot of land that was subdivided from a larger parcel, date uncertain, identified as 88 Willow Street. A Design Review Board (DRB) member could not locate any evidence of the subdivision of the original parcel in the Town building records. The site is occupied by an 1890 Queen Anne style house now used as a two-family dwelling, a former barn, now used as a two-family dwelling and multi-car garage constructed in 1966. The house is on Acton's Cultural Resource List (CRL). The current owner applied for a demolition approval from the Acton Historic Commission (HC) in 2018. A 12-month demolition delay was granted by the HC in July 2018 for the house. According to the Building Inspector a demolition permit for these structures has not been granted as of the date of this memorandum. Due to severe alterations, the barn was deemed not historically worthy of retention by the HC. According to the HC Chair, the current owner did not have any contact with the HC during the 12-month demolition delay nor propose a solution for retaining the historical house as is the intent of the demolition delay bylaw.

The project proposal consists of the complete demolition of the CRL Queen Anne dwelling, the barn and the garage encompassing approximately 9,992 SF to be replaced by two-two-family dwellings encompassing approximately 10,668 SF. Eight parking places are provided in four two-vehicle garages.

Separate driveways are provided from Willow Street each serving four vehicles. A new septic system and field is proposed at the Willow Street frontage.

The following are the DRBs comments on the development as presented:

1. The DRB is pleased to have an opportunity to provide input while the development of the project is in a preliminary stage and appreciates that the proponent chose to meet with the DRB prior to meeting with the Planning Board.
2. Although zoning issues are not the DRB's primary review responsibility, the DRB, as a committee composed of licensed professionals, would be remiss if it were to ignore what would appear to be a key issue concerning this project as described below.
3. The DRB questions the legality of the Planning Board being able to extend and grant under Acton Zoning Bylaw 8.7 a **Special Permit to Reconstruct Two-Family or Multifamily Dwelling** in an R-4 Zone which currently allows only one single family dwelling with an accessory apartment on a 40,000 SF parcel-unless the Owner can provide proof that the existing dwellings' uses as two-family dwellings is **legally non-conforming**. The DRB's observation is that the dwellings appear to be **illegally non-conforming** based on the following:
  - According to Building Department records, there were no building or zoning permits granted to convert the existing historical house into a two-family dwelling nor any building or zoning permits issued to convert the former barn into a two-family dwelling;
  - There are no records indicating that the dwellings were converted to two-family use prior to the Acton Zoning Code's creation in 1951 +/-;
  - The DRB is unaware that any Acton Zoning Code from 1951-2021 allowed two family uses (in this case TWO, two family) uses on an R-4 parcel;
  - The proponent did not produce any documentation to show that the two-family usage has existed continuously for 20 years or more other than to note that the dwellings have been assessed for tax purposes as two-family units for some undetermined number of years and the septic system has been permitted for a certain number of bedrooms for some undetermined number of years.
4. Because of the lack of any documentation found for the property, the DRB suggests that the legality of this development proposal be definitively determined before allowing any design changes to occur and/or invoking Acton Zoning Bylaw 8.7.
5. Given the above situation, the DRB suggests two scenarios for this property depending on a finding by the Planning Board whether the two two-family dwellings are a legally or illegally nonconforming usage:

Illegally Nonconforming Usage:

The DRB believes strongly that the existing CRL house should be preserved and renovated. (Postscript meeting notation: The existing historical dwelling could be converted back to single family usage. Since the former barn has been radically altered rendering its historical value moot, the building could be used as an out building accessory apartment, which as the DRB recalls, could be up to 2,000 SF as the out-building barn building was constructed prior to 1971. The outcome of this scenario is a conforming property).

Legally Nonconforming Usage:

The DRB believes strongly that the existing CRL house should remain in its present location on the site and be preserved and renovated as a single dwelling unit. An additional dwelling unit could be added to and connect with the adjacent historical house; thus forming a two-family dwelling. The DRB recommends that the Willow Street façade of the newly created new unit be recessed and deferential to the historical house. The existing two-family barn dwelling would be demolished and replaced by a two-family dwelling as shown in the proponent's proposal on Sheet NI which the DRB found to be a reasonably acceptable design solution.

Lastly, in regard to 90-92 Willow Street being a property on Acton's Cultural Resource List the DRB appeals to the Planning Board to render a decision on this property consistent with Massachusetts Zoning Chapter 40A, Section 6, which notes that:

"Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be **substantially more detrimental** (*emphasis added*) than the existing nonconforming use to the neighborhood";

and to render a decision in accordance with Acton's Zoning Code 8.7.1 which states:

"To the extent possible, the new building shall comply with the dimensional requirements applicable in the zoning district in which the building is located. However, the Planning Board may authorize or require smaller or larger dimensions as it finds appropriate to address public interest considerations, such as but limited to **the preservation of or improvement of neighborhood character** (*emphasis added*), historic architectural features or the spatial relationship between buildings, and to address public safety and health concerns."

and to render a decision in accordance with the following Acton 2020 Master Plan Goals:

- Goal 1: Preserve and Enhance Town Character, specifically:  
Objective 1.4: Preserve Historic Buildings and Landscapes
- Goal 2: Ensure Environmental Sustainability

The proposed demolition of the historical dwelling at 90-92 Willow Street is antithetical to these zoning laws and the 2020 Master Plan, is detrimental to the neighborhood as it destroys an authentic piece of Acton's history and exemplifies an unsustainable environmental building project practice, which is the unnecessary, complete demolition of two buildings and the total rebuilding of structures similar to what already exists.

In summary, the DRB is **unsupportive** of this project **unless** the existing CRL dwelling is retained and repurposed in an historically accurate and appropriate manner. If the project progresses, the DRB appeals to the Planning Board to remand the project back to the DRB to review the site plan, building designs, landscaping and septic field location in greater detail at a future date.

The DRB thanked the proponents for the opportunity to review the project proposal. The proponents thanked the DRB for the comments and will consider them as they move forward before the Planning Board. Respectfully submitted,

The DRB



**TOWN OF ACTON  
DESIGN REVIEW BOARD**  
Review Memorandum: 516 Massachusetts Avenue  
In Person Meeting  
June 23, 2021

DRB Members in attendance: Peter Darlow (Chair), David Honn, Richard Keleher, Tom Doolittle, Holly Ben-Joseph; Jon Cappetta (Planning Board Liaison); Dean Charter (Select Board Liaison)

Proponents in attendance: Mark O'Neil, Bill Dickinson, Architect for proponent

Documents Reviewed:

Dickinson Architects, LLC preliminary drawing sheets for 516 Massachusetts Ave, dated 6/23/21.

- Context Plan of immediate Neighborhood
- Context Main Street facing Building Elevations of immediate Neighborhood
- Conceptual 40B Site Plan, (prepared by Stamski and McNary, Inc, this sheet dated June 3, 2021)
- Concept Exterior Elevations, four views on two sheets
- Concept Floor Plans; Basement, First Floor, Second Floor, Attic on two sheets

The proposed project site is located near West Acton Village on an 8,710SF plot of wooded land that has been owned by the O'Neil family for a number of years. The site, which in the 19<sup>th</sup> Century was home to a cigar factory, is surrounded on two sides by town owned wetlands and sits adjacent on its western side to the 520-526 Massachusetts Avenue Condominium and as well sits adjacent to the West Acton Historic District. Mark O'Neil proposes to develop a friendly 40B four family residential building on the land, three units will be market rate and one will be a subsidized affordable unit.

The four-family structure proposed will consist of four two-bedroom units, each shown to be organized on two floor levels. The units will range in scale from 1000SF to 1300SF. The building is pushed towards Main Street with the on-site septic and surface parking for 8 vehicles placed to the rear of the lot. The building will meet all zoning code dimensional requirements excepting for the size of the lot. Due to the use of all portions of the site, the proposed development will result in removal of most all of the existing on-site vegetation. To establish the level parking lot over the septic system at the rear of the site, an 8 foot tall retaining wall is proposed for the SE rear corner where the site topography currently drops steeply to the adjacent town wetlands.

The design intent is to develop a residential scale and style for the proposed building that is consistent with much of the existing older residential structures of the West Acton Historic District. Though the property is outside of the Historic District, the proponent's architect intends to detail the building exterior in a manner that would be acceptable if developed within the District.

The following are the DRBs comments on the development as presented:

1. The DRB is pleased to have an opportunity to provide input while the development of the project is in a preliminary stage and appreciates that the proponent chose to meet with the DRB prior to other boards and committees in town.
2. Given the town is currently in safe harbor with respect to the percentage of existing and planned affordable housing, board members are surprised that a development is proposed that looks to utilize the 40B development process. Board members voiced skepticism as to why the town would be open to another project that will generate market rate residential two-bedroom units with only one affordable unit gain at this time.
3. DRB members suggest the proponent consider shifting towards smaller 600 to 750SF one level rental units serviced by an elevator to provide accessible units. If all rental, all units would be counted towards the town's 40B total. Perhaps as many as six can be fit within a building shell of similar scale. Town studies have determined this type of residential unit to be of highest demand. DRB members suggested the proponent look at the project proposed development for 25-27 School Street. David Honn offered to forward Bill Dickinson the drawings for 25-27 School Street.
4. Should the proposal remain as a four-unit condominium building, the recommendation is to adjust the affordable unit layout to fit onto a single level and look to make this unit handicap accessible.
5. In general, DRB members are comfortable with the proposed placement of the building on the site and with the proposed massing and traditional exterior detailing suggested.
6. With respect to the presented building design, the board recommends that the attic level gable be extended out over the two-story wing at the rear of the building to eliminate the flat roof currently suggested.
7. DRB members are concerned with the scale of the retaining wall at the SE corner of the parking lot and suggest that only 6 car parking spaces be developed to avoid the need to construct the wall that would inevitably impact the neighboring wetland.
8. Some DRB members are concerned about the visual impact of the parking lot (and possible outdoor lighting) to the neighbors. Due to lack of space on the site for screen it was suggested that the proponent work with the neighbor to develop screen planting on the neighbor's property if they agree

The DRB thanked the proponents for the opportunity to review the project proposal. The proponents thanked the DRB for their commentary and will consider them as they move forward into the next phases of the project with the Acton Community Housing Corporation and other town boards.

Respectfully submitted,

The DRB