



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Board of Selectmen **Date:** December 8, 2011

From: Roland Bartl, AICP, Planning Director *R. B.*

Subject: Site Plan Application #07/16/11-433

Location: 65 Powder Mill Road (aka 40 Sudbury Road)
Map/Parcel: J-3/59
Applicant/Owner: Old Mill Development Trust (Bertolami), 6 Proctor St., Acton
Engineer: Acton Survey & Engineering, Inc.
Previous Site Plan: #01/06/99-368 issued 04/27/99, extended/amended 01/26/04
(now expired, not implemented)
Zoning: Powder Mill (PM) District as the relevant zoning district
(Also on the lot: Flood Plain District (76% of lot area);
Groundwater Prot. Dist. Zones 2 & 3)
Lot Area: +/-5.16 acres
Other: Wetlands (46% of lot area)
Conservation Restr./Canoe Landing Easmt. (+/-3.6 acres)
Developable Site Area: +/-1.03 acres
Proposed Gross/Net Floor Area: 2500/1790 square feet
Proposed Floor Area Ratio (FAR): 0.04
Proposed Uses: Automobile repair and/or building trade shop
Hearing Date: 12/19/11 (continued w/o discussion from 09/12 and 10/03/11)
Decision Due: 03/18/12

Below are the Planning Department comments. Please review comments from other departments, boards and agencies. Also, the information package includes a letter from the facilities manager of the abutting property at 30 Sudbury Road.

1. The hearing was originally scheduled on September 12, 2011. Without hearing or discussing evidence, the hearing was twice continued to December 19, 2011. The reason for the continuance was to give the applicant time to resolve a zoning compliance problem. The matter has now been resolved through a variance from the Board of Appeals (ZBA Decision #11-14 enclosed in package).
2. The original submission was received on 7/6/11. Partially revised materials were received on 11/17/11. Please review both. For instance, the application form and architectural plans are only in the original submission.

3. The proposed building is on high ground outside of flood plain, wetlands, and wetlands buffers.
4. With the ZBA variance granted, the lot and the proposed building appear to comply with the dimensional and parking requirements of the zoning bylaw.
5. However, the proposed vehicle repair facility cannot be allowed. Prior the filing of the application in July 2011, Acton Town Meeting adopted in April 2011 a new Groundwater Protection District Zone 2 delineation for the Assabet Well Fields consistent with the DEP certified Zone 2. This new delineation brings most of the lot and the proposed building location into Zone 2 (previously Zone 3), where vehicle repair or body shop is a prohibited use (Zoning Bylaw, Table 4.3.7.2, line 3). Acton zoning does not provide for use variances.
6. The alternative proposed use, a building trade shop, is allowed in Zone 2 subject to a prohibition on the use and storage of hazardous materials.
7. Access is proposed Sudbury Road via a recorded easement.
8. I defer to the Engineering Department to see how the proposed drainage design matches up with the Groundwater Protection District - Zone 2 requirements.
9. The 20-day appeals period on the ZBA's variance will not be over at the time of the site plan hearing. Therefore, unless a further hearing continuation seems necessary for other reasons, I recommend taking the matter under advisement subject to learning the status of the variance after the end of the appeals period. By the time the Board will vote on a permit decision appeals on the variance, if any, will be known.

cc: Engineering Department
 Health Department

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