



**TOWN OF ACTON**  
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**Planning Department**

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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Steven Ledoux, Town Manager **Date:** October 6, 2014  
**From:** Roland Bartl, Planning Director  
**Subject:** Site Plan Special Permit #07/10/09-422  
Application to Amend

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**Location:** 107-115 Great Road  
**Applicant:** Wetherbee Plaza, LLC., 6 Proctor Street, Acton, MA 01720 (Bertolami)  
**Owner:** same  
**Engineer:** Acton Survey & Engineering, Inc., 97 Great Road – Unit 6, Acton, MA 01720  
**Previous Site Plans:** #11/07/03-393 issued March 22, 2004  
#01/23/09-417 denied  
#07/10/09-422 issued October 5, 2009  
**Zoning:** East Acton Village District (EAV)  
Groundwater Protection District Zone 4  
**Existing/Past Uses:** Retail, Service, Building Trade Shops & Residential  
**Proposed Addl. Use:** Residential (new single-family residence)  
**Map/Parcel:** G-4/28  
**Hearing Date:** October 20, 2014  
**Decision Due:** **January 18, 2015**

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The applicant seeks approval for an amendment of site plan special permit #07/10/09-422, issued on October 5, 2009, and of the plan approved there under. The application with plans and supplements, departmental comments and other related items are located electronically in the docushare file for this hearing.

**The Proposal**

- Build a single-family residence to the existing “faux windmill” on the site.
- Install a vehicle access ramp to a proposed overhead or other type of wide door into the rear of the Building #107 as indicated on the plan (attached to the 9/23/14 letter from the applicant’s engineer).

## Comments

1. Outstanding items from site plan special permit #07/10/09-422:
  - a. The site was not built in accordance with the approved plan as conditioned by the special permit. We never received a certified as-built plan as required in the 2009 permit (condition 3.2.1) that would show reasonably close compliance with the special permit. A 3<sup>rd</sup> party engineer confirmed that the site was not constructed properly. Nevertheless, certificates of occupancy were issued in 2010 for every building on the site.
  - b. Most notably, and compliance with the 2009 permit aside, it remains unclear and unknown if the site in fact complies with the State and local requirements for how storm water must be treated and managed. Any claims of insignificant changes cannot be evaluated against this background. See the Engineering Department comments, dated 10/7/14, for a detailed description of the problem.
  
2. The proposed single-family residence:
  - a. In general, a proposed single-family residence on a mixed use property in the EAV zoning district should not be a problem. All the existing and proposed uses on the site are either allowed in EAV or, to the extent applicable, grandfathered in as pre-existing nonconforming from a time more than 10 years ago when the site was zoned Limited Business (LB).
  - b. The plan submitted with the application is a “notice of intent” plan filed with the Conservation Commission and amended to reflect the Commission’s Order of Conditions. It is not a plan suitable for zoning review. I refer to the Rules and Regulations for Site Plan Special Permit on how and with what information plans should be presented. Given the scope of the amendment application, strict adherence to the Rules may not be necessary. Yet, at a minimum, the plan must document zoning compliance.
  - c. There appear to be mismatches and/or missing pieces with the proposed dwelling as shown on the “notice of intent” plan versus as it is represented in the architectural drawings:
    - i. The driveway would stop short of the house; there is no garage. Okay so far.
    - ii. There is no walkway from the driveway to the rear door. Is this realistic or practical?
    - iii. The front door to the dwelling is on the opposite side of the driveway; there is no walkway leading to the front door. It is possible that the front door only serves visual and representational purposes. But, is that realistic or practical given that the floor plan indicates a foyer, staircase to the 2<sup>nd</sup> floor, and a coat room behind the front door. Also, it appears that the front door and foyer function as a divider between the private residence and the possibly more public “home” office shown to be located in the “faux wind mill”.
  - d. The plan does not show parking spaces for the proposed dwelling; two spaces are required. Aside from the question of practicality, in the absence of a zoning table it remains unclear what the parking requirement is per zoning and whether the site meets it.
  - e. Additional walkways and parking spaces might change the calculation on open space and impervious coverage.

3. The proposed vehicle access ramp at Building #107:
  - a. The proposed ramp would rise 10-12 inches and be 10 feet wide plus flares for transitioning the grades. The length does not appear to be specified, i.e. how far out it would extend from the building.
  - b. It would partially cover an existing stone trench along that side of the building. The trench serves drainage purposes. I refer to the Engineering Department's 10/7/14 comments regarding the challenge to properly evaluate the impact.
  - c. There are two parking spaces in the general area where the ramp is proposed. It is unclear if the parking spaces would remain useable after the ramp installation. If not useable they cannot count towards the number of parking spaces needed to meet zoning requirements. In the absence of a zoning table it remains unclear what the parking requirement is per zoning. If the parking spaces must remain to meet zoning compliance, a detailed plan and profile for the area might help clarify the practicality of the ramp proposal.
  
4. The Plan:
  - a. The two proposals, for the single-family residence and the installation of the vehicle access ramp, should be depicted on a single site plan sheet that documents zoning compliance, with added construction details as needed.
  - b. The plan should display a zoning table that itemizes all critical dimensions (setbacks, open space, FAR, vehicle parking, etc.) with required dimensions (minimum or maximum as applicable), existing dimensions, and proposed dimensions. As presented, I cannot ascertain whether or not the proposal would comply with the Acton Zoning Bylaw.

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