



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

Planning Department

MEMORANDUM

To: Zoning Board of Appeals **Date:** May 26, 2015
From: Kristen Guichard, AICP, Assistant Town Planner *KSG*
Subject: Special Permit #15-10
7 Arborwood Road – construction of an addition within the Floodway Fringe
(Bylaw Section 4.1.8)

Location: 7 Arborwood Road
Map/Parcel: H3-24
Petitioner and Owner: Eric Watson
Zoning: Residence 2 (R-2) and Flood Plain District
Hearing Date: June 1, 2015
Decision Due: August 30, 2015

Mr. Watson is requesting a Special Permit under Section 4.1.8* of the Zoning Bylaw to allow for the construction of an addition within the Floodway Fringe.

7 Arborwood is a conforming lot, and in all other respects the proposed addition meets rear, side and front yard setbacks as required under the Zoning Bylaw for the R-2 Zoning District. Please refer to the Engineering Department's review of the application under Bylaw Subsection 4.1.8.1. The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 4.1.8, provided they find the application meets requirements of Subsection 4.1.8.1*. The decision should include a condition that the Petitioner must record the decision at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the Site.

***Zoning Bylaw Sections:**

4.1.8 USES Permitted by Special Permit Within the Limits of the Floodway Fringe – The following USES may be permitted within the limits of the Floodway Fringe upon the issuance of a special permit by the Board of Appeals:

4.1.8.1 Any USE permitted in the underlying district in which the land is located, including grading, filling or excavating, subject to the same USE and development regulations as may otherwise apply thereto provided the Board of Appeals finds that:

- a) the proposed USE does not significantly conflict with the purposes of this Section;
 - b) at least 98 percent of the Natural Flood Storage Volume of the Flood Plain on the site is preserved without the use of compensatory storage techniques and disturbance of the natural characteristics of the Flood Plain on the site is kept to a minimum;
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- c) the elevation of the Lowest Floor level including basement of any new or substantially improved residential STRUCTURE is at or above the Base Flood;
 - d) the elevation of the Lowest Floor including basement of any new or substantially improved non-residential STRUCTURE is at or above the Base Flood or flood proofed to above the Base Flood;
 - e) the elevation of the lowest point of any new vehicular or pedestrian ACCESS from a STREET to any BUILDING, including garages, used for human occupancy is at or above the Base Flood;
 - f) any new construction or Substantial Improvements are constructed with flood resistant materials and methods and anchored to prevent flotation and lateral movement;
 - g) any new or reconstructed utilities, such as water or sewer mains, septic and drainage systems, fuel storage facilities, gas electric or other utilities, are anchored to prevent flotation and designed to avoid impairment during the Base Flood.
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