



Acton Zoning Board of Appeal

Minutes of Meeting

June 6, 2016

Acton Town Hall

Room 126

Zoning Board of Appeal members in attendance: Jonathan Wagner, Chairman; Richard Fallon, and Adam Hoffman. Staff present: Kristen Guichard, Assistant Town Planner; Robert Hummel, Assistant Town Planner; and Kimberly Bicker, Board of Appeals Secretary.

I. Consent Agenda

The draft minutes of May 2, 2016 were approved as written

II. Hearing # 16-02 Special Permit – 9 Willow Street (continued from May 2, 2016)

7:45 Jon Wagner opened the continued hearing and recapped issues discussed.

The applicant provided colored renderings of the proposed building for the board. The board reviewed comments from the site walk and the applicant's written plan for property cleanup. The board agreed upon a cleanup timeline for certain items and outdoor storage areas.

The Board collectively agreed on specific time frames of the decision contents as recommended by the Planning Department staff memo dated April 29, 2016. Mr. Levine explains that Sal has motivation to abide by the conditions set by the Board because he cannot reapply for the special permit.

Citizens Comments

An abutter was concerned about future items being stored on the Homestead Street side of the property – the board agreed to condition a requirement that no open storage be allowed between the existing building and Homestead Street.

The public hearing was closed at 8:36pm.

I. Hearing # 16-05 Special Permit 178 Great Road

Jon Wagner opened the hearing at 8:45pm and reviewed the contents of the file. The applicant presented a proposal under Section 8.3.3 of the Zoning Bylaw to extend an existing non-conforming building horizontally within the dimension of its existing non-conformity. The Applicant provided updated plans and architectural elevations.

On behalf of the applicant, Attorney Levine and Bruce Ringwall, presented the application. The applicant's engineer, Bruce Ringwall explains the architecture of the building, both existing and proposed, and reiterates that the non-conforming setback will be reduced.

The applicant confirmed that the Design Review Board has approved the building design.

Mr. Bykhovsky offered a donation to a sidewalk, or would be willing to construct the sidewalk.

Mr. Fallon asked for clarification about the landscaping plan – Mr. Bykhovsky agreed to a condition that it look similar to the plan rendering submitted at the hearing.

Citizens Comments

There were no Citizens Concerns.

The hearing was closed at 9:32pm.

I. Hearing # 16-04 - 296 & 298 Central Street Special Permit

Jon Wagner opened the hearing at 9:36pm and reviewed the contents of the file. The applicant's engineer, Scott Hayes, presented the application for one duplex. The Design Review Board had just submitted their comments.

Board members asked about the land disturbance regulations noted by the Engineering Department. Kristen Guichard noted that the Town adopted new stormwater regulations which requires approval for land disturbance of a certain size. She noted this could be included in a decision as a finding.

The Board inquired about septic system plans. The applicant noted they are waiting for approval before creating the design for the septic system. Kristen Guichard explained that applicants do not typically submit completed septic system designs before they gain approval for the type of development proposed as certain conditions or a denial would alter the system design.

The existing structures are on the Acton Cultural Resource list but not located within a historic district. It was confirmed that a demolition request was approved by the Historical Commission and the buildings could be demolished regardless of the decision made on this special permit request.

The board inquired about the possibility of having a sidewalk – this is something that was not included in the proposal, but the board intends to set as a condition if the permit is approved.

Citizens' Comments

- Concerns about a septic system design that may require a retaining wall close to the street.
- Many of the Abutters were concerned with the design of the garage doors and the position of the driveway proposed as facing the street. Many of the homes in the area have the garage facing the side or the back.
- One neighbor expressed support for the duplex.
- The style of the home does not fit with the neighborhood because it is setback too far, and very large scale
- Discussion about the property that abuts 298 Central Street and others north on Central Street setback even further but the property that abuts 296 Central Streets is closer to the Street.
- The height of the buildings
- Questions about the lots conformity to zoning dimensions.

Kristen Guichard clarified that the two lots are in common ownership; 296 Central Street is non-conforming on its own, but together with 298 Central Street they conform and therefore are one lot for zoning purposes under MGL Chapter 40A The Zoning Act.

- Concern that the Town needs more affordable units and did not think the duplex would provide that. Some of the residents would like the units to be smaller and more affordable.
- The need for a sidewalk in the area.

Response to some of the Citizen's Concerns:

The Design Review Board comments were referenced which suggested one driveway with a circular turn-around as a way to help keep the appearance of the neighborhood and provide safe access. It was also suggested that the position of the garage be relocated to the side or rear of the building. The board also suggested that the design be altered to appear more village-like to maintain the appearance of the neighborhood. In regards to the sidewalk: the board may condition that the applicant contribute to a sidewalk as part of the Special Permit if approved.

A Board member noted that although the duplex units may be sold at a high price, a single family home is allowed by right in this district and could be very large and even more expensive.

The applicant requested a continuation to allow for additional time to meet with the Design Review Board again and compile images and heights of the proposed and abutting buildings to show how it fits in context of the neighborhood. The applicant will attempt to provide additional information about a proposed septic design.

One Board member was concerned about the size of the office shown in the floor plan.

The hearing will be continued on July 20, 2016 at 7:35pm in room 9.

Deliberations

Hearing # 16-02 Special Permit – 9 Willow Street (Sal's Auto)

Findings: The Board found the application to meet the mandatory special permit findings of Section 10.3.5, that the findings under Section 8.3.4 for the restoration of a non-conforming structure.

Conditions: Conditions noted in the Planning Department staff memo dated April 29, 2016 for sidewalk requirements, flood proofing/compensatory flood storage, The completion prior to the occupancy permit, of the actions described in the inventory list after the "Plan of action..." near the bottom of the first page and on the second page, are a condition of this decision, with the following additions or amendments:

- a. it is anticipated that the snowplows which stay will number 3 or 4;
- b. the "6 wheel dump truck and tag along trailer in area 4" will be removed within a year
(“within a year” in this decision means within a year after the date of this decision);
- c. the go-kart will be removed within a year;
- d. the materials around the "Ocean Freight" storage containers will be stored inside them or otherwise removed within a year. Going forward, there will be no open storage closer to the Homestead Road property (see "48-2" on the color map) than the "Ocean Freight" storage containers, and any such material in that area now will be moved or removed as soon as practicable.

Vote: Richard Fallon moved to approve the application as conditioned, the motion was seconded by Adam Hoffman and was carried by a vote of three in favor.

Hearing # 16-05 Special Permit - 178 Great Road (Alpha Cars)

Findings: The Board found the application to meet the mandatory special permit findings of Section 10.3.5, and recognizes the land disturbance permit required by the new stormwater regulations.

Conditions: Reasonably similar landscaping to be required as shown on the rendered plans submitted at the hearing, option of building a sidewalk along the frontage or accepting a donation from the applicant to the sidewalk fund.

Vote: Adam Hoffman moved to approve the application as conditioned, the motion was seconded by Richard Fallon and was carried by a vote of three in favor.

The meeting was adjourned at 11:35pm.