



Planning Department

TOWN OF ACTON
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MEMORANDUM #2
New Information in Red

To: Zoning Board of Appeal **Date:** July 18, 2016
From: Robert Hummel, Assistant Town Planner *RH*
Subject: Special Permit #16-04 —296 and 298 Central Street

Applicant: Assabet Properties, Inc
Property Owner: Dennis J + Lyrl C. Ahern
Location: 296 and 298 Central Street
Map/Parcel: F2A-49, 57
Zoning: VR
Proposed Use: Two-Family Dwelling (3.3.2)
Hearing Date: July 20, 2016
Decision Due Date: September 4, 2016

Background

1. The applicant has submitted new revised plans to both the Design Review Board and the Planning Department on July 11, 2016.
2. The applicant requests a special permit under Zoning Bylaw section 3.3.2 to build a Two-Family Dwelling at 296 and 298 Central Street. 296 and 298 Central Street are considered one Lot for zoning purposes, and together conform as one legal Lot. The applicant proposes to demolish both houses located at 296 and 298 Central Street and build a duplex in their place.

Comment

1. The proposed building meets all the required setbacks and the standard dimensions for the Village Residential Zoning District.
2. The revised plans relocate the garages from the front of the duplex to a detached garage in the back of the lot. The revised design shows two front porches on the front of the duplex. The setback of the duplex from the street is 13 feet, where the minimum setback needs to be at least 10 feet in the VR district.
3. The two buildings located at 296 and 298 Central Street are on the Town's Cultural Resource List. The applicant received approval from the Historical Commission to demolish both houses. The demo permit has not been filed with the Building Department.
4. The site is located outside the West Acton Historic District.
5. There is now a sidewalk indicated on the updated plan to be constructed along the entire frontage of the site.

6. Under Chapter O of the Town Bylaws, the Board must deny a special permit if property taxes are outstanding.
 - a. The applicant should pay the taxes up front before the building permit is received or enter into a pavement plan with the Collector's Department.
7. The proposed duplex requires a Land Disturbance Permit, as required by Chapter X of the Town Bylaw, due to the land disturbance/development of an area of more than 5,000 SF with greater than a 10% slope.
 - a. The Engineering Department will administer that permit on behalf of the town.
8. The applicant has 296 and 298 labeled as the addresses on the proposed plot plan but we would defer to the Engineering Department for the numbering of the duplex.
9. There were new departmental comments provided for the new revisions.
10. The Fire Department has noted that the access road to the detached garage behind the duplex does not meet the 20 feet width requirement in the MA Fire Code. In lieu of paving a 20-foot driveway the Fire Department provided alternative options to the applicant. Please see comments from Fire Department.
11. The Design Review Board provided comments on the revised plans.
12. The Planning Department finds the amended plans to be a vast improvement to the original design.

Recommendations

If the Special Permit is granted, the decision should include findings, conditions and limitations as follows:

- a. That the Petitioner must record the Special Permit decision at the Middlesex South District Registry of Deeds prior to building permit.
- b. The applicant shall pay off the taxes before up front before the building permit is received or they shall enter into a payment plan agreement with the Collector's Department to pay off the back taxes.
- c. The applicant must address all of the comments in the Engineering memo dated May 20, 2016.
- d. The applicant also needs to make plan modifications to meet the Fire Code requirement in accordance with Fire's memo dated July 13, 2016 and additional comments dated July 14, 2016. These changes should be made and approved by the ZEO prior to building permit.
- e. That the Special Permit conditions (if any) have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
- f. That the Town of Acton may elect to enforce compliance with the conditions (if any) of this Special Permit using any and all powers available to it under the law.
- g. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.
- h. That the Board reserves its right and power to modify or amend the terms and conditions of this Special Permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.
- i. That the proposed request is consistent with the Master Plan; is in harmony with the purpose and intent of the zoning bylaw; will not be detrimental or injurious to the neighborhood; is appropriate for the site; and complies with all applicable requirements of the zoning bylaw.