



## Acton Zoning Board of Appeal

### Minutes of Meeting

May 2, 2016

Acton Town Hall

Room 126

Zoning Board of Appeal members in attendance: John Wagner (Chair), Rick Fallon (Clerk), and Adam Hoffman. Staff present: Matthew Selby, Director of Land Use and Economic Development; Kristen Guichard and Robert Hummel, Assistant Town Planners; and Kimberly Bricker, Secretary for the Building Department and Zoning Board of Appeal. Mr. Wagner opened the meeting at 7:30pm.

#### **I. Consent Agenda**

The draft minutes of March 7, 2016 and March 17, 2016 were approved as written.

#### **II. Hearing # 16-02 Special Permit - 9 Willow Street**

Mr. Wagner opened the public hearing at 7:40pm and went over the procedure for the meeting. Mr. Wagner introduced himself and Town staff and then the Board reviewed the contents of the file.

Application pursuant to 8.3.4 of the Zoning Bylaw allows by Special Permit from the ZBA to restore/reconstruct a non-conforming structure. The structure at issue was non-conforming in that it did not comply with the 20-foot side yard setback or Flood Plain Overlay District 4.1.8 requirements. The structure was pre-existing non-conforming and was only 2.2 feet from the side yard setback. According to the applicant, the building collapsed under snow load in the winter of 2014-2015. The building currently exists in the 100-year floodplain according to the 2014 FIRM maps. Reconstruction will entail flood-proofing the building in accordance with state building codes. The Applicant intends to pursue a Letter of Map Amendment with FEMA to remove this area from the flood maps. The project also requires an Order of Conditions from the Conservation Commission. Attorney Levine reviewed the requirements that will likely be included in the Order of Conditions, per the memo from the Conservation Agent.

Mr. Wagner expressed concern with the state of the property. He continued to describe the lot consisting of several abandoned vehicles and trailers, many of which have not been touched in years. Mr. Wagner questioned whether or not the applicant is willing to clean up the property.

The Applicant, Sal Panetta said he has been consistently cleaning the property over the years. Mr. Panetta added that some of the trailers and items are rented storage areas. Attorney Levine said he would inventory the property to discuss what can be removed.

Mr. Fallon inquired about "flood proofing" a property. Attorney Levine provided general possibilities; one of which included raising the heating and electrical to be above the flood elevation, allowing flood water to pass through without damaging the building's systems. Attorney Levine acknowledged that there are provisions in the code that will need to be satisfied.

Both the Engineering and Planning Departments recommended realigning the intersection by Willow and Central Street, which would require a land-swap with the Town. Attorney Levine informed the Board that the applicant is willing to construct a sidewalk, pay in lieu, or participate in the land swap for the intersection realignment.

The Board discussed conditioning flood plain and sidewalk requirements. The Board agreed they would be comfortable with conditioning these items as stated in the Planning Department memo.

Mr. Wagner welcomed comments from the public. The general concerns raised by the public involved: the distance of the building to the neighboring properties, the height of the building, questions about the general location of the building, aesthetics of the proposed building, construction of the required sidewalk, and the removal of debris from the

demolition of the existing building. Ms. Guichard noted the Board could condition the removal of the fallen building debris prior to issuance of a building permit.

Mr. Wagner asked if the Planning Department could inventory the site to determine what should be removed; however difficulty exists because some of the "junk" is actually storage areas owned leased by tenants. Ms. Guichard recommended the applicant create an inventory and action plan to clean-up the property which the Board could condition. Attorney Levine agreed to indicate areas that will be cleaned up as part of the special permit.

Mr. Wagner requested additional details on the building design.

Mr. Wagner continued the public hearing until the next scheduled Board meeting on June 6<sup>th</sup> at 7:35 pm, in room 126. The petitioner agreed to the continuation of the public hearing and a commensurate deadline for the decision.

**Action Items Prior to Continued Hearing**

- Applicant will provide cut-sheets of the proposed building
- The Board will schedule a site visit prior to the continued hearing
- Attorney Levine will prepare a location plan and associated inventory action plan to begin clean-up of the property prior to the site visit

The meeting was adjourned at 9:08pm.