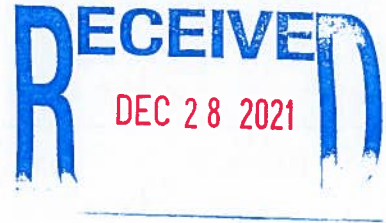


RECEIVED

DEC 28 2021

**TOWN OF ACTON
PLANNING DEPARTMENT**



Use Special Permit #21-11
242 Parker Street
December 21, 2021



Planning Board

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
pb@actonma.gov
www.actonma.gov

DECISION

21-11

242 Parker Street

Use Special Permit

December 21, 2021

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of InkStone Architects (hereinafter the Applicant) for property located at 242 Parker Street, in Acton, Massachusetts owned by Joan Houlihan. The property is shown on the Acton Town Map as parcels J3-16 (hereinafter the Site).

This Decision is in response to an application for a Special Permit for a detached accessory dwelling unit, received by the Acton Planning Division on November 8, 2021 pursuant to Sections 3.8.1.6 m) and n), and 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw).

The Board held an advertised virtual public hearing through zoom, pursuant to Governor Baker's March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, on December 21, 2021 and closed the public hearing the same night. The applicant presented the application at the public hearing. Board members Mr. Ray Yacouby (Chair), Mr. Derrick Chin, Mr. Sam Bajwa, Mr. Jon Cappetta, and Mr. Nathan Cookson were present throughout the hearing. The minutes of the hearing and submissions on which this Decision is based upon may be viewed in the Planning Division or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1.1 A properly executed Application for a special permit dated October 27, 2021, received in the Planning Division on November 8, 2021, consisting of:

- Narrative;
- Application form;
- Certified abutters list;
- Floor plans;
- Photographs;
- Locus maps;
- Waiver Requests;

1.1.2 Additional information submitted by the Applicant:

- Email dated 12/16/2021 with accessibility details;

1.3 Interdepartmental communication received from;

- Fire Department, dated 11/16/2021;
- Health Department, dated 11/15/2021;
- Engineering Department, dated 11/19/2021;
- Building Department, dated 11/16/2021;
- Water Department, dated 12/20/2021;
- Planning Department, dated 12/16/2021.

Exhibit 1.1 & 1.2 is referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The .96-acre Site is located within the Residence 4 (R-4) zoning district and Zone 3 of the Groundwater Protection District. The lot complies with all dimensional requirements of the district.
- 2.2 The Site has a main dwelling unit and a detached barn. According to the Massachusetts Cultural Resource Information System, the barn dates back approximately 100 years.

- 2.3 The Applicant proposes to install a ground floor one-bedroom accessory dwelling unit in the detached barn. The accessory dwelling unit is proposed to be 780 square feet. All modifications would be interior; there would be no or very minor exterior changes to the building.
- 2.4 Both the main dwelling unit and the accessory dwelling unit will be serviced by sewer.
- 2.5 The accessory dwelling unit will be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR.
- 2.6 The Board has received comments from various Town departments, which are listed in Exhibit 1.3 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.
- 2.7 The proposed accessory apartment as shown in the Plan and as conditioned herein complies with all applicable requirements of the Bylaw; is in harmony with the purpose and intent of the Bylaw; is consistent with the Master Plan; will not be detrimental or injurious to the neighborhood; and is appropriate for the Site.

3 BOARD ACTION

Therefore, on December 21, 2021, the Board voted unanimously to GRANT the requested special permit, subject to and with the benefit of the following conditions and limitations.

3.1 WAIVERS

The Applicant requested waivers from Section 3.2 and Section 3.11 of the Special Permit Rules and Regulations (Rules), which requires a Development Impact Report and a Site Plan to be submitted with the application. This waiver is granted pursuant to Section 1.5 of the Rules.

3.2 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this use special permit null and void, without force and effect. The Town of Acton may elect to enforce compliance with this use special permit using any and all powers available to it under the law.

- 3.2.1 In all respects, the apartment shall be constructed substantially as shown in the Plan and as further conditioned herein.
- 3.2.2 The construction plans shall comply with Section 3.8.1.6 (e) of the Bylaw.
- 3.2.3 The street address for the accessory dwelling unit shall be approved by the Fire and Engineering Departments and shall be displayed in an easily visible manner at the street side and on the building.
- 3.2.4 Prior to the issuance of a building permit, the design of the egress windows and second means of egress shall be approved by the Fire and Building Departments.

- 3.2.5 The applicant shall comply with all regulations required by the Water Supply District of Acton.
- 3.2.6 The Applicant shall meet all applicable requirements of the Town bylaws.
- 3.2.7 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to the issuance of a building permit.

3.3 LIMITATIONS


This special permit shall be limited as follows:

- 3.3.1 The foregoing conditions 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 and the Rules.
- 3.3.2 This special permit applies only to the Site identified in this decision and to the proposed use as shown on the Plan.
- 3.3.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.3.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.
- 3.3.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, ch. 40A, s. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board



Kristen Guichard, AICP, Planning Director
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Szkaradek, Town Clerk

Date

Copies furnished:

Owner/Applicant (certified mail)

Town Manager's Office

Fire Department

Historical Commission

Land Use Department

Engineering Department

Police Department

Town Clerk

GIS

Acton Water District