



**Minutes of Meeting
December 10, 2018, 7:30 PM
Acton Town Hall
Room 9**

Zoning Board of Appeal members in attendance: Kenneth Kozik, Chair; Adam Hoffman and Emile Ying

Absent: Suzanne Buckmelter

Also in attendance: Kristen Guichard, Senior Planner; and Paul Campbell, Town Engineer

Mr. Kozik opened the meeting on December 10, 2018 at 7:30PM.

Variance #18-09 54 Willow Street

Mr. Kozik opened the public hearing at 7:30 PM. The Applicants, Mr. and Ms. Poretto, explained their request for variance relief to construct a two-car garage with a second story, within the 30-foot yard setback of Summer Street. The Applicant argued that the current setback requirements along with the topography issues of the lot create a hardship for them in their attempt to remedy the flooding in their garage and basement, and expressed concern about the dangers of backing out onto Summer Street.

Mr. Kozik referred them to the wording of the Section 10.5.5.1, and provided a general discussion of what the petitioners needed to demonstrate to the Board in order to be granted a variance. The petitioners could not demonstrate any circumstances relating to the soil conditions, shape, or topography of the LOT or STRUCTURES that were subject of this hearing that did not also affect LOTS or STRUCTURES generally in the zoning district in which it is located.

Mr. Hoffman and Ms. Ying asked the petitioners if they had considered alternate options, such as a one or two car garage located to the rear of the house. The petitioners responded that there were other constraints that prevented the construction of the proposed two car garage in any other position relative to the house.

Mr. Kozik asked Ms. Guichard whether she supported the Applicants' proposal for a variance. Ms. Guichard noted that the standards for granting a variance are difficult to meet and that State law is very specific; she suggested there may be other methods for resolving the flooding issue stated by the Applicants.

Mr. Scott of 64 Liberty Street suggested the Applicants consider a French drain system to assist with their flooding problems.

Mr. Crawley of 39 Adams Street asked questions regarding the existing trench drainage system.

With no further input, Mr. Kozik made a motion to close the public hearing. Mr. Hoffman seconded the motion. The Board unanimously voted to close the hearing.

In deliberation the Board considered the lack of circumstances relating to the soil conditions, shape or topography of the lot or structures on the lot.

Mr. Hoffman made a motion to deny the Variance #18-09. Ms. Ying seconded the motion. The motion carried unanimously by all members present.

Discussion about Stormwater Regulations, Paul Campbell, Town Engineer

Mr. Kozik first thanked Mr. Campbell and the Engineering Department for their reviews on previous development applications.

Mr. Campbell explained that the Town adopted Chapter X at the 2015 Town Meeting to regulate stormwater management and erosion. The Engineering Department, along with assistance from other divisions within the Land Use Department, has been considering methods of consolidating all relevant bylaws and rules and regulations for consistency and streamlining purposes. Paul recommended the ZBA consider adopting the suggested stormwater language into the Comprehensive Permit Rules and Regulations at an upcoming meeting. He noted that the Zoning Bylaw and General Bylaw will also require updates at a future Town Meeting. The Board thanked Paul and instructed the Planning Department to incorporate the suggested changes for consideration at an upcoming meeting.

Minutes of previous meeting

Mr. Hoffman moved to approve the minutes of October 1, 2018. The motion seconded by Mr. Kozik and was carried unanimously.

The meeting was adjourned at approximately 8:20 PM.

Documents used at the meeting:

12-10-18 Agenda

Memo from Engineering Dept. – Rules and Regulations Recommended Changes

Draft meeting minutes 10-1-18

#18-09 – 54 Willow Street

- Application
- Certified Abutters list
- Public comment – email from Terra Friedrichs
- Staff comments – Planning Div. memo, Acton Water Dist. memo, Engineering Dept. comments, Fire Department comments, Tree warden comments

Minutes submitted by: Kristen Guichard