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**BOARD OF APPEALS
Hearing #21-06**

**DECISION ON PETITION TO GRANT
A SPECIAL PERMIT
WITH RESPECT TO
307 CENTRAL STREET**

A public hearing of the Acton Zoning Board of Appeals was held via video conference on Tuesday, June 2, 2021 and continued to Tuesday, July 6, 2021 on the petition of Refab Home Solutions, LLC for a SPECIAL PERMIT under Section 3.3.2 of the Acton Zoning Bylaw to construct a two-family dwelling at 307 Central Street.

The proposed project is the construction of a two-family dwelling on a lot in the VR Zoning District, Groundwater Protection District Zone 4. The site exceeds the minimum frontage and areas required in the Village Residential Zoning District. The proposed dwelling will exceed the setbacks required by the Acton Zoning Bylaws. The sited will be serviced by municipal water available in the Central Street and private sewage disposal system. On July 6, 2020, Seth Donohoe, Ducharme & Dillis Civil Design Group, Inc. on behalf of Refab Home Solutions, LLC, petitioned the Zoning Board of Appeals for the proposed project.

Zoning Bylaw Section 3.3.2 allows a Two-Family Dwelling for residential use containing two family dwelling units on one lot. Existing conditions of site consists of 4,314 square footage of impervious surface and 11,802 square footage of grassed surfaces. Proposed conditions onsite consists of 4,468 square feet of impervious surfaces and 11,648 square feet of grassed surfaces. There is no change in existing runoff patterns through the development of this site resulting in unchanged flow rate and runoff volume between the existing and proposed conditions.

The property is located at 307 Central Street, Map/Parcel F2-A-32, and Parcels 27 & 32 and is located in VR Groundwater Protection District Zone A. The proposed new dwelling(s) meets all required property setbacks and the standard dimensions for the Village Residential Zoning District.

Due to COVID-19 concerns, the hearing was conducted virtually with all participants following the Town's remote access guidelines.

Present at the hearing were Ken Kozik, Chairman, Adam Hoffman, Member, Scott Robb, Member, Kristen Guichard, Planning Director & Zoning Enforcement Officer, Kaila Sauer, Assistant Planner, and Alicia Burak, Administrative Assistant. Also present was the Petitioner, Seth Donohoe, Ducharme & Dillis Civil Design Group, Inc.

Mr. Kozik opened the hearing, explained how the Board procedurally operates and asked the Petitioner to begin.

Seth Donohoe presented the original plans from the June 6, 2021 session and addressed proposed changes from previous comments made from both the board and general public. Specifically, the petitioner addressed the increased foliage around the two family dwelling to provide extra shade for the neighbors. Secondly, the petitioner discussed the family dwelling's height, which will be 33.5 feet tall, in an effort to minimize the views from the neighbor on the Central Street. The newly submitted architectural plans reflected these changes. Both the board and public requested a reconfiguration the surrounding foliage to add an additional tree and reduce the number of proposed plants.

The application was distributed for departmental review and comments prior to the July 6, 2021 hearing.

The Acton Health Division supplied a written memo saying the proposed septic design plan had been reviewed and approved.

The Acton Engineering Department provided a written memo with the following comments:

First, the proposed new structure does not appear to be on any recorded easements. Secondly, the proposed new structure does not appear to be located within the 100-year floodplain area. Finally, a Land Disturbance Permit might be required for this permit. The Petitioner should submit a Land Disturbance permit application to show whether this project is exempt or not.

The Acton Planning Division provided a written memo with the following comments and recommendations. First, the proposed building meets all the require setback and the standard dimension for the Village Residential Zoning District. Secondly, the Petitioner has not submitted any drainage plans which in turn may need to file for a land disturbance permit with the Engineering Department. Thirdly, the existing sidewalks on the frontage of Central Street which satisfied sidewalk requirements. Fourth, there is no maximum FAR requirements in the Village Residential Zoning district. There is an open space requirement (20%) on the Village Residential

Zoning District. Although it appears the site complies, the Petitioner should note the open space percentages on the Zoning table provided. One key recommendation and condition is that the Petitioner should note that the percentage open space on the lot.

There being no additional questions from the board or the public, at 8:37pm, Mr. Hoffman moved, Mr. Robb seconded and the board unanimously (3-0) voted to close the public hearing. The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye.

The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 3.3.2.

Acton Zoning Bylaw 3.3.2 States:

Two-Family Dwelling-A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion or a Single FAMILY Dwelling with One Apartment.

During deliberation, the board agreed that the project met the conditions of Zoning Bylaws 3.3.2 voted to approve the revised plan as presented with conditions prior to issuing the building permit. At 8:48pm Mr. Hoffman moved, Mr. Robb seconded and the Board unanimously (3-0) voted to approve the special permit. The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the hearing, finds that:

1. Petitioners seek a SPECIAL PERMIT under Section 3.3.2 of the Acton Zoning Bylaw for construction of a two-family dwelling. The property is located at 307 Central Street (Map/Parcel F2-A-32).
2. Petitioner's proposed reconstruction is consistent with the Master Plan.
3. Petitioner's proposed reconstruction is in harmony with the purpose and intent of this Bylaw.
4. Petitioner's proposed reconstruction will not be more detrimental or injurious to the neighborhood in which it is to take place.
5. Petitioner's proposed reconstruction is appropriate for the site in question.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously (3-0) to **GRANT** the Special Permit with the following Conditions:

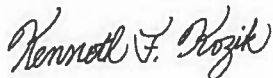
- (a) The proposed construction shall be executed substantially as presented in the most recent plans submitted during the July 6, 2021 meeting.

(c) The Petitioner should submit a permit for Land Disturbance to determine whether or not the permit is needed for this site.

(d) The Petitioner should indicate the open space percentage of the lot.

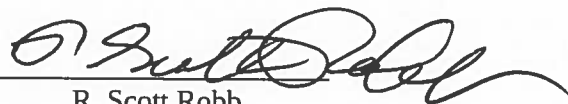
Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

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Kenneth F. Kozik, Chairman

Adam Hoffman




R. Scott Robb

- (b) The Petitioner shall add two additional holly trees and two additional dogwood trees to the rear of the property.
- (c) The Petitioner should submit a permit for Land Disturbance to determine whether or not the permit is needed for this site.
- (d) The Petitioner should indicate the open space percentage of the lot.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

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