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ACTON

BOARD OF APPEALS

Hearing #19-02

DECISION ON PETITION FOR A SPECIAL PERMIT WITH RESPECT TO 257 Central St, Acton, MA

A public hearing of the Acton Board of Appeals was held on Monday, March 4, 2019, at 7:30 PM in the Acton Town Hall on the petition of Zur Attias for a Special Permit under Section 3.3.2 of the Acton Zoning Bylaw for construction of a two -family dwelling on a vacant lot in Zoning District Village Residential (VR). The property is located 257 Central Street in Acton, Map F2, Parcel 2, Lot 2.

Present at the hearing were Ken Kozik, Chairman, Adam Hoffman, Member, Emilie Ying, Associate Member, Roland Bartl, Planning Director, and Vivian Birchall, Administrative Assistant. Also present were the petitioner, Zur Attias, and current property owner, Jamie Watt.

Applicable Bylaw:

3.3.2. 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

Mr. Kozik opened the hearing, viewed the contents of the file and explained how the Board procedurally operates.

The Board met previously on March 4, April 8 and April 29 to discuss this petition.

At the March 4 meeting, Mr. Attias, the applicant, introduced himself and his plans for the special permit request for a two-family dwelling to be constructed on a vacant lot in the VR district, which would require a Special Permit. Mr. Gannon from Stamski & McNary was present to ad-

dress drainage issues for the project. The owner, Mr. Watts, addressed staff comments that were provided for the meeting. The Board also discussed comments from the Design Review Board and other interdepartmental memos and comments and provided their feedback to the applicant.

There were questions addressed to the Board and applicant regarding the size of the proposed construction, the required setbacks, and the proposed septic design. Members of the public expressed a desire to see some design changes. The neighbor whose property is adjacent to the proposed construction is in favor of the project.

Mr. Kozik reviewed the Mandatory Findings in Section 10.3 of the Zoning Bylaw.

The applicant requested a continuation of the public hearing to continue discussions with the Planning Staff and Design Review Board. The applicant's request was granted and a continuation was scheduled for April 8 at Acton Town Hall.

At the April 8 hearing, the applicant informed the Board that following the previous public hearing his team met with the staff from the Planning Department to discuss the concerns and adjustments to the plan. He presented the new plan with some modifications to include a sidewalk, remove the dormers, and showed a modified layout.

Mr. Bartl informed the Board that the plan presented was the outcome of a general discussion with the applicant, which the staff thought would be an acceptable option.

A straw vote was taken and Board members were split between approval and denial of the Special Permit request. The applicant was asked to make some design changes to create an impression of two separate houses as well as consider reducing the overall square footage of the dwellings.

The Board, with agreement from the applicant, unanimously agreed to continue the hearing to April 29 in Town Hall.

The Board reconvened on April 29. The property owner, Jamie Watt, presented a square footage, design, roofline, living space, and gross floor space analysis of the development in comparison with what already exists in the neighborhood on the village residential properties in West Acton. He pointed out that the density was consistent with the spirit and intent of the Acton 2020 Master Plan.

A cross-section of Acton residents, including the abutter, gave testimony in favor of the development citing that it fits with the neighborhood on Central Street and West Acton. Some attending members of the public had questions, which the applicant answered.

Ms. Ying moved, and Mr. Hoffman seconded to close the public hearing. The motion was unanimously approved.

During discussion, the board expressed their conclusion from the hearing, stating that they would vote to approve the Special Permit with conditions.

The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the hearing, finds that:

1. The Petitioners seek a Special Permit under Section 3.3.2 of the Acton Zoning Bylaw for construction of a two-family dwelling in the VR zoning district. The property is located at 257 Central Street (Map F2, Parcel 2, Lot 2).
2. The proposed two-family dwelling meets all dimensional requirements in the VR District and does not require any variances to the Town of Acton Zoning Bylaw.
3. The project meets the mandatory findings of section 10.3 of the Zoning Bylaw.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **Grant** the Special Permit with the following Conditions:

- The development should be executed substantially as presented in the most recent plans used during the April 29, 2019 meeting.
- The development will provide street access to the farmer's market.
- The applicant will develop a joint landscaping and storm water plan with the abutter.

After discussion, Ms. Ying moved to approve the Special Permit with conditions as stated. The motion was seconded by Mr. Hoffman. The motion was unanimously approved (3-0).

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.

TOWN OF ACTON BOARD OF APPEALS



Kenneth F. Kozik, Chairman



Adam Hoffman



Emilie Ying

Dated: 6/3/2019