



MASSACHUSETTS  
BOARD OF APPEALS

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TOWN CLERK  
ACTON

Hearing #16-04

DECISION ON THE PETITION OF  
ASSABET PROPERTIES, INC.  
FOR A SPECIAL PERMIT TO ALLOW A  
TWO FAMILY DWELLING AT 296-298 CENTRAL  
STREET IN A VILLAGE RESIDENTIAL ZONE

The Acton Board of Appeals (the "Board") held duly noticed public hearings on June 6, 2016, and July 20, 2016 with regard to the Petition of Assabet Properties, Inc. for a **Special Permit** under Section 3.3.2 of the Zoning By-Law to allow a two family dwelling to be built at 296-298 Central St. Map F2A/Parcels 49 & 57.

Present at the hearings were Jonathan Wagner, Chairman; Board Members Richard Fallon and Adam Hoffman; Board Secretary Kim Gorman, first meeting, and Katelyn Huffman, second meeting; and Kristen Guichard and Robert Hummel, assistant Town Planners. Also present for the petitioner were Andrea and John Vient, and Mr. Hayes of Foresite Engineering, as well as members of the public, including the abutting neighbors Ms. Roman-Kreuze and Ms. Colby, and a nearby resident, Ms. Friedrichs.

Chairman Wagner opened the meeting on June 6<sup>th</sup>, and read the contents of the file into the record. An interoffice memo from Mr. Hummel, Assistant Town Planner, stated that the Planning Department had no objection to the special permit request.

Neighboring residents, and the Design Review Board, had questions about the design of the building on the property. It was suggested that the garage might be moved to the rear of the residence, that the residence be moved closer to the street to fit in more with the village nature of the neighborhood, and that a sidewalk be constructed. Also, no septic design was presented, as soil testing was not completed.

The petitioner requested a continuation for additional time to meet with the Design Review Board again, complete soil testing, and present photos of nearby properties. The hearing was continued by agreement to July 20, 2016.

Chairman Wagner opened the continued meeting on July 20<sup>th</sup>. Mr. Hayes of Foresite Engineering submitted a new plot plan and new design plans dated July 20, 2016, which include a sidewalk, which place a detached garage with sprinklers in back of the house with the septic system between them, and which incorporate most of the Design Review Board suggestions. Ms. Vient informed the Board that the Design Review Board had requested wood rather than vinyl siding; the applicant wished to use vinyl siding which many neighbors had, for maintenance, cost and marketability reasons.

Public comments included the following. To a question about the setback from the sidewalk to the house, Mr. Hayes stated it would be 11 feet. To a neighbor's question about an unhealthy ash tree and a maple tree she hoped could be saved, Mr. and Ms. Vient stated they would not cut down anything healthy that could be saved, and would take these landscaping suggestions into account. To a question about the elevation and building plans, Mr. Hayes said the elevation had not changed in the plans, and Board Member Fallon stated that the Board would refer to the July 20, 2016 plans. There was a request that the retaining wall be made of natural stone; Mr. Hayes stated that engineered stone is more widely utilized and may be more reliable for retaining purposes.

The Board voted to close the hearing.

The Board, after specifically making the mandatory findings under Section 10.3.5 of the By-Law, voted unanimously, 3-0, to GRANT the SPECIAL PERMIT, with the following conditions:

1. That the project comply with the most recently submitted design and plot plans filed on July 20, 2016.
2. That the project comply with the requirements stated in the Engineering Department Memo.
3. That the project is subject to the issuance of a Land Disturbance Permit by the Engineering Department.

4. That the project comply with all requirements of Fire Department regulations and the applicable code, including but not limited to a sprinkler system in the garage or as the Fire Department may otherwise approve.

5. That the project is subject to the approval of the septic system by the Board of Health.

6. That vinyl siding or wood siding may be used at the option of the applicant.

7. That natural stone or engineered block may be used for the retaining wall at the option of the applicant.

**ACTON BOARD OF APPEALS**

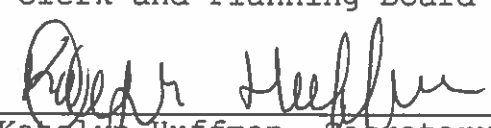
  
Jonathan Wagner, Chairman

  
Richard Fallon, Board Member

  
Adam Hoffman, Board Member

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on August 2, 2016.

  
Katelyn Huffman, Secretary  
Board of Appeals

This decision, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that (1) 20 days have elapsed after the decision has been filed in the office of the Town Clerk and (2) either no appeal has been filed or an appeal has been filed within such time, has been recorded with the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.