



ACTON BOARD OF APPEALS

Minutes of Meeting
December 7, 2015
Acton Town Hall
Room 126

Board of Appeal members attending: Jonathan Wagner; Richard Fallon, Adam Hoffman. Also present: were Roland Bartl, Planning Director, and Zoning Enforcement Officer, Robert Hummel, Assistant Town Planner, and Cheryl Frazier, Board of Appeals Secretary.

Jonathan Wagner called the meeting to order at 7:30 PM.

Consent Agenda- Draft Minutes

The draft minutes from the November 16, 2015 meeting were approved.
Schedule all BOA hearings at 7:30.

Public Hearing – Hearing #15-13 – 367 Arlington Street – Special Permit

Present at the hearing were petitioners Dolores and Paul Elliot. Jonathan Wagner read the contents of the file which included a memo from the Health Department and the Planning Department. Jon asked the petitioner to begin. Paul Elliot said they are here tonight to request a Special Permit to allow two non-resident employees to work in their home-based business. They have a very little business activity and they have two employees that come every Friday. Jon Wagner asked exactly what it is that they do. The petitioner began by stating what they do is called encapsulation. They do this in their garage and the consistency of the substance is like molasses and they only mix three gallons at a time so it's unlikely that it will flow anywhere because of the consistency. The mixing is only done two to three times a year and the rest of the time they are soldering. It's considered manufacturing or light assembly. They ship all over the country and occasionally have to ship international orders. There is no traffic or retail on the site, they have internet sales only. Jon was wondering about deliveries and traffic and how often they have UPS or Fed-Ex drop-offs. They said occasionally they do have deliveries. Both employees work on Fridays and they have their own cars. The employees measure magnetic fields. Jon inquired about street parking and the hazardous materials. The petitioner said the potential is from groundwater contamination. He continued saying he supplied data sheets to the Acton Board of Health and they did not have a problem because he was under the 23 gallons allowed. They have been running their business since 1998. The employees have worked with them since they began the business.

The hearing was closed.

The Board went over the mandatory findings for granting a special permit.

Jon Wagner moved to Grant the Special Permit for 367 Arlington Street with the following conditions:

1. That two non-resident employees may be present for not more than three days per week.
2. Non-resident employees to park their automobiles in the property driveway,
3. The petitioners to comply with November 2, 2015 Board of Health Interoffice Departmental Memo
4. No retail sales permitted from the property at any time,
5. Permit granted to the applicant and current resident/owner of the premises, and that it shall not be transferable to any subsequent owner of the property.

The motion was seconded. The Board voted unanimously to Grant the Special Permit.

Public Hearing – Hearing #15-14 – 112 Nonset Path – Special Permit

Present at the hearing was petitioner Victoria Mohar. Jonathan Wagner read the contents of the file and asked the petitioner to begin. The petitioner is here tonight to request a Special Permit to allow two non-resident employees to work in her home based business. She has been in business for seventeen years total but has only worked out of her home for the last four years. When she moved here she got her DBA certificate. She brought two women on board as her employees who are non-residents. Jon asked what she does. She said she works directly with architects as a consultant and focuses on furniture and design. Most of her work is done on a computer with Auto CAD. She keeps presentation boards, paint and furniture samples in her home. Her clients do not come to her house she goes to their business or the architect's office. No customer or consultants come to her home. Her employees both work four days a week 9:00 to 5:30. Rick asked if she anticipates any changes in the near future. She said not at this point. Roland pointed out that the bylaw states you can't have more than two employees at one time. Michael Saulnier, neighbor and abutter who resides at Nonset Path is in favor of what she does and doesn't have a problem.

The hearing was closed.

The Board went over the mandatory findings for granting a special permit.

Jon Wagner moved to Grant the Special Permit for 112 Nonset Path with the following conditions:

1. No more than two non-resident employees to be employed no more than five days per week between the hours of 9:00 am to 5:00 pm
2. All employees to park their vehicles in property driveway
3. That it is only granted to the applicant and current resident/owner of the premises, and that it shall not be transferable to any subsequent owner of the property.

Public Hearing – Hearing #15-15 – 153 Summer Street – Variance

Present at the hearing was petitioner Bruce Ringwall, Engineer and Jeff D'Agostine, Builder. Jonathan Wagner read the contents of the file which included an IDC from the Engineering Department. He asked the petitioner to begin. Bruce Ringwall introduced himself and said he is here tonight representing the Ericksons, owners of the property. He said they are here tonight with a request to build a new single family dwelling with less than the required minimum front yard setback. The applicant would like to separate the existing parcel that currently contains one single family dwelling into two separate lots and to also construct a new single family on the newly created lot. The property is in an R-8/4 zoning district with 160,000 square feet. He believes this lot meets the criteria for a Variance. They have the slope, the shape of the lot, the soils, which are very sandy, and the topography for granting a variance. The 75 foot no structure setback from the wetland at the toe of

the slope required in the Acton Wetland Protection Bylaw coupled with 45 foot setback from the road creates a very limited envelope to build within. What is unique to this property is that it drops off and it can't be pushed back due to the slope and the wetlands. The neighborhood has other homes closer than 45 feet from the road.

Ed Cronin, abutter of 143 Summer Street wanted clarification on which lot it is. Bruce explained to him that they are talking about two proposed structures on two different lots.

The Planning Department has no problem with the applicants request for a Variance as long as they comply with the Engineering comments. Bruce added that in this case he believes the relief should be granted without derogating from the neighborhood. Ed Cronin of 143 Summer Street wants clarification on which lot it is. Bruce told him they are talking about two proposed structures on two different lots.

The hearing was closed.

The Board reviewed and satisfied the mandatory findings:

The Board voted unanimously to **APPROVE** the **VARIANCE** with the following conditions:

1. Structure to be built in conformity with submitted plans, including Zoning Variance Plot plan
2. Petitioner to comply with Section 4 of 11/6 2015 Engineering Department IDC Memo.

The motion was seconded by Rick Fallon and so moved.
