



BOARD OF APPEALS
Minutes of Meeting
May 11, 2015
Acton Town Hall
Room 204

Zoning Board of Appeals members attending: Mr. Jonathan Wagner, Chairman, Mr. Richard Fallon, Member and Ms. Suzanne Buckmelter, Alternate. Ms. Kristen Guichard, Assistant Town Planner and Ms. Kim Gorman, Planning Department Secretary (interim for Ms. Cheryl Frazier, Board of Appeals Secretary).

Mr. Wagner called the meeting to order at 7:00 pm.

Minutes

Mr. Wagner motioned to approve the minutes of #15-01 through #15-05. The motion was seconded by Ms. Buckmelter and approved unanimously.

Staff Update

Staff noted upcoming items are scheduled for the June 1, 2015 Meeting

- New Rules and Regulations
- 9 Arborwood Road Special Permit

#15-06 and #15-07 – 84 Willow Street

Mr. Wagner opened the public hearing at 7:15PM for the review and discussion of Hearing # 15-06- Petition for Review of 84 Willow Street and Hearing #15-07-for an Application for 84 Willow Street.

Mr. Wagner stated a letter was received from Mr. Louis Levine (Attorney for the applicant) to withdraw both of the above applications without prejudice.

Mr. Fallon moved to accept the withdrawal of the two applications, (Permit # 15-06 and # 15-07, for 84 Willow Street) without prejudice. The motion was seconded by Ms. Buckmelter and approved unanimously.

#15-08 – 429 Great Road

Mr. Wagner opened the public hearing for the review and discussion of Hearing # 15-08 of a special permit at 429 Great Road.

Attending the hearing were Mr. Richard Nysten (Attorney of application), Mr. Leo Bertolami (Applicant), Mr. George Dimakarakos (Civil Engineer), Ms. Maria Membrino and Mr. Timothy Membrino (Applicants) and Ms. Janet Adachi (Board of Selectmen Chairwoman).

Mr. Wagner introduced the members of the Board to the petitioners and the Board's procedure. Mr. Wagner listed all the exhibits from the folder that were submitted for the

record, as well as Design Review Board's memo response and a memo from Mr. Roland Bartl, Town Planner received on 4/24/2015.

Mr. Wagner stated the petitioners would like to reconstruct an existing nonconforming structure within the dimension of its nonconformity. The proposed building footprint will reduce the nonconforming front setback but will remain nonconforming.

The Board members reviewed the application presented. Board members were in agreement that completed architectural plans are needed to review. Mr. Wagner stated the new plans should be reviewed by the Design Review Board (DRB) and would like DRB to comment after they review the plans at their next meeting of May 20, 2015.

Ms. Guichard noted there was another issue the applicant's attorney raised, which the Board may want to clarify prior to requesting the DRB's comment on the revised plans. She noted that the applicant submitted a letter from their attorney several weeks after their original submission suggesting the desire to raze the building and rebuild a new building within a non-conforming setback. She stated that the Planning Department did not agree with the attorney's interpretation of the Zoning Bylaw.

Mr. Wagner stated he would like the Planning Dept. to revise their memo to include the Department's review of the applicant's attorney's letter.

The petitioners agreed to forward the architectural plans to DRB to review at their next meeting and for the Planning Dept to review and to return to the Board of Appeals to their next meeting date.

Mr. Wagner motioned to continue the public hearing to the next meeting date of June 1, 2015 at 7:45pm, Mr. Fallon 2nd; all in favor.

#15-09 – 19 Henley Road

Mr. Wagner opened the public hearing for the review and discussion of Hearing # 15-09 of a special permit at 19 Henley Road.

Mr. Wagner introduced the members of the Board to the petitioners and the Board's procedure. Mr. Wagner listed all the exhibits from the folder that were submitted for the record, as well as Engineering Dept's memo response and a memorandum from Ms. Kristen Guichard, Assistant Town Planner received on 5/1/2015.

Mr. Wagner stated the petitioners are proposing to construct two (2) additions to the residence at 19 Henley Road.

The 1st addition will be a 12' x 8' addition to the first floor and second floor that will increase the size of their existing bedrooms with a garage stall below. The roof line will remain the height of the existing roof.

The 2nd addition is a 14' x 24' deck with roof and screens on the side walls. The roofline will be slightly below the existing roof line.

The Board members reviewed the application presented. Board members were in agreement that the architectural plans and location plan needed clarification. In addition architectural elevation plans should be submitted.

Ms. Guichard noted the Planning Department would need to update their memo to reflect the clarified description and total expansion explained at the meeting.

Mr. Wagner stated he would like the Health Department to verify setback requirements from septic system components, and the Planning Dept. to revise their memo.

The petitioners were in agreement to contact their developer and have additional architectural plans for the Board to review at their next meeting.

Mr. Wagner motioned to continue the public hearing to the next meeting date of June 1, 2015 at 7:00pm, Mr. Fallon 2nd; all in favor.

Motion was made to close the meeting, 2nd; all in favor; meeting adjourned at 8:30pm.

Respectfully submitted,

Kim Gorman, Interim for
(Cheryl Frazier,
Board of Appeals Secretary)

Jonathan Wagner
Chairman of the Board of Appeals