

Date Received
TOWN CLERK
By: _____

Appendix B

Date Received
BOARD OF APPEALS
By: _____

**TOWN OF ACTON
APPLICATION FOR VARIANCE
(ZONING BYLAW)**

Relief being sought from the requirements of Zoning Bylaw Section: 5 and 5.1 and 5.2.4

Refer to the "Rules and Regulations for VARIANCE" available from the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

1. Location and Street Address of requested VARIANCE 153 Summer St.
2. Applicant's Name John Erikson
Address 151 Summer Street, Acton
Telephone 978-263-2540 Email _____
3. Record Owner's Name John Erikson
Address 151 Summer Street, Acton
Telephone 978-263-2540 Email _____
4. Town Atlas Map(s)/Parcel Number(s) F1 / 15
5. Zoning District (s) of Parcel(s) RES 8/4
6. Detailed description of the proposed VARIANCE (Please use additional pages if needed): See attached
7. If any VARIANCES have been filed previously for this site give file numbers:

The undersigned hereby apply to the Zoning BOARD of Appeals for a public hearing and a variance under Section 10.5 of the Zoning Bylaw.

The undersigned hereby certify that the information on this application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

11/15 [Signature] _____
Date Signature of Petitioner(s) Signature of Petitioner(s)

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

11/15 [Signature] _____
Date Signature of Record Owner(s) Signature of Record Owner(s)

Zoning Board of Appeals

Variance Application

for

155 Summer St.

Nature and Justification

The applicants, Erikson Family Realty Trust, have owned and lived in the immediate neighborhood since 1943. The property at 153 & 155 Summer Street contained two dwellings until the recent past. The larger house having been demolished about 2011. The land at 153 & 155 has recently been divided into two lots and some remaining land. Creating again the two lots that existed several years ago. The lot on this application is currently know as Lot 1 aka 155 Summer Street having 3.68+/- acres and 152+/- feet of frontage.

The lot has sandy soils that have over time created a steep slope dropping away from the road roughly twenty-two feet at about ninety feet back from the right of way of Summer Street. Due to the steep slope within a short horizontal distance the ability to gain access to the lower elevation is not practical or feasible. The soil condition together with the steep slope limits the level buildable area near Summer Street to about ninety feet. This was not a problem when the prior homes were constructed on the land as zoning did not require the large setback from the road that exists today. The subject lot and adjacent land on the north side of Summer Street is zoned Residential R-8/4 and across the street the land is zoned Residential R-2.

At the base of the slope is a swale with an intermittent stream channel and associated wetland vegetation. The seventy-five foot no structure setback from the wetlands at the toe of slope required in the Acton Wetland Protection Bylaw coupled with the forty-five foot setback from the road creates a very limited envelope to build within. Further, the narrow envelope forces bad design when the owners wish to construct a home with more character than having a straight front façade. The applicant proposes to be able to create several jogs in the building design as follows: The main box of the house would be set at the R-8/4 forty-five foot setback with the eastern end of the house slid six feet toward Summer Street for a thirty-nine foot setback (a six foot variance). A six foot deep farmer's porch across the main box would align with the eastern end on the ground level but break up the façade and roof lines. By shifting the garage box forward three feet from the setback (forty-two feet) from Summer Street creates some character while not making a large intrusion into the street setback requirement. The applicant has held the side yard setback of twenty feet and the seventy-five foot setback to the wetlands. The variance request is for up to six feet (6') from the forty-five (45') foot front yard creating a thirty-nine (39') foot setback.

The zoning across the street as mentioned earlier is R-2 and only requires a thirty foot street setback. The homes both within the R-8/4 and R-2 Districts in Acton and those across the adjacent town line in Boxborough vary on the setback distances, but many are much closer to the street. The former house located on this property, demolished around 2011, was just less than thirty feet from the street, while the three houses across the street vary from thirty to thirty-four feet from the road. Just down the street across from Woodfield Road the house and out building are approximately seven feet from Summer Street. Heading west into Boxborough the commercial buildings are very close with the first structure partially on the right of way line and the second thirty and twenty feet back from Summer Street and Flagg Hill Road respectively. The closer residential structures on the north side of Summer Street vary from eighteen to forty feet back from the right of way with the immediate adjacent property being about thirty-four feet back.

Literal enforcement of Section 5 specifically the chart of 5.1 and 5.2.4 front yard setback would create a substantial hardship on the applicant and their ability to build a house of reasonable square footage while creating some interest in the façade. Said hardship could also be to the neighborhood as a straight façade would not be as appealing for the neighbors. It is our opinion that desirable relief may be granted by allowing the façade to encroach up to six feet (6') into the front yard setback without nullifying or derogating from the intent or purpose of the bylaw. As mentioned above, the surrounding neighborhood not only has zoning districts allowing substantially less setback, the structures are currently much closer to the right of way on many homes and structures as can be seen on the attached documents.

On behalf of the applicant, GPR respectfully requests the Acton Zoning Board of Appeals grant relief from Section 5 to allow the proposed house to be located at thirty-nine (39') feet from the right of way instead of the required forty-five (45') feet. The soils and the topography (steep slope) create a shape of buildable land adjacent to Summer Street requiring relief to avoid substantial hardship. Again, it our opinion desirable relief can be granted without nullifying from the intent and purpose of the bylaw and said conditions are related to the lot in question and not the district as a whole.



95 Summer Street



99 Summer Street

Nature and Justification for Variance Application at 155 Summer Street, Acton, MA



120 Summer Street



4 Woodfield Street

Nature and Justification for Variance Application at 155 Summer Street, Acton, MA



154 Summer Street



Commercial Structure at Summer Street and Flagg Hill Road

Nature and Justification for Variance Application at 155 Summer Street, Acton, MA

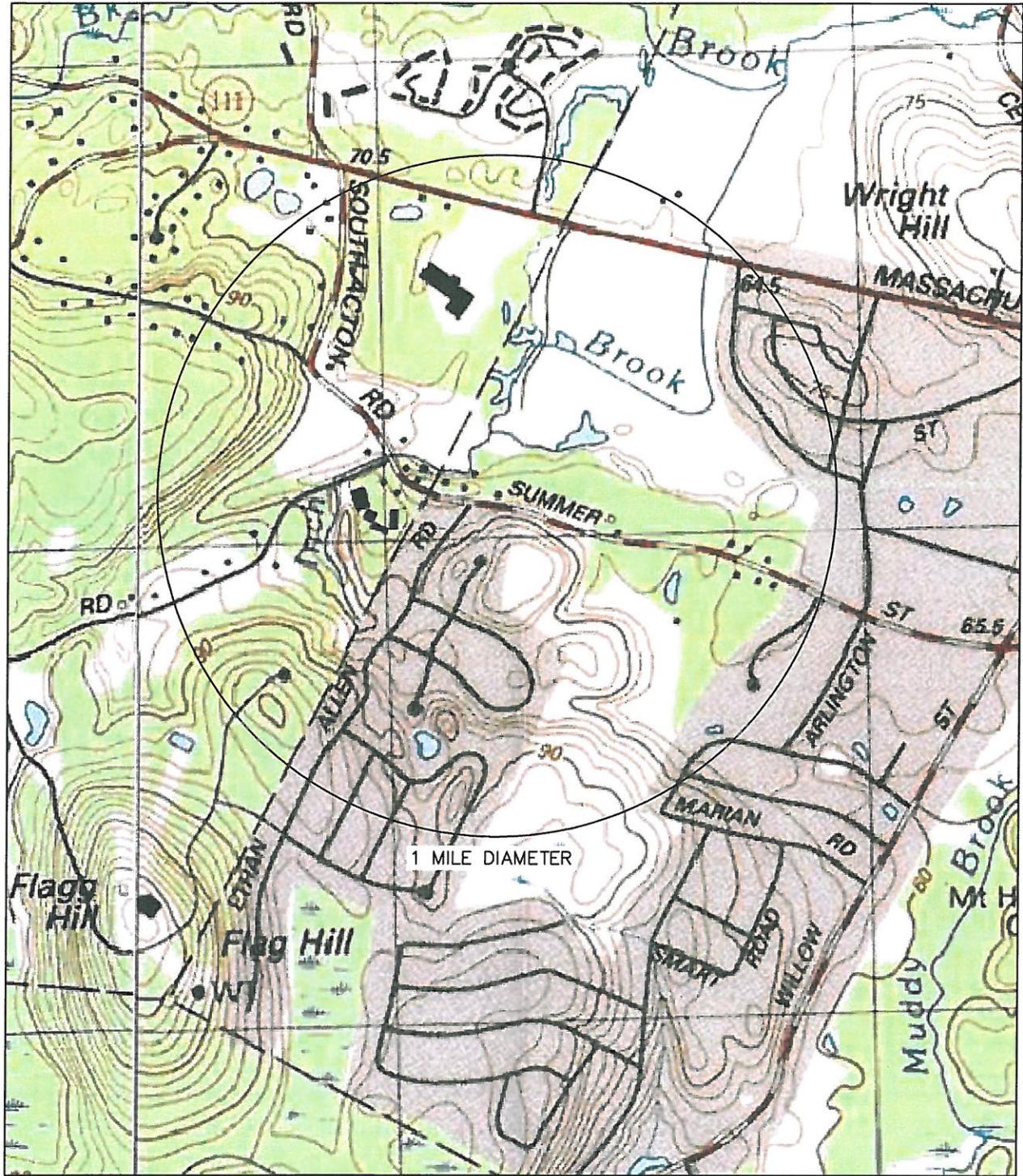
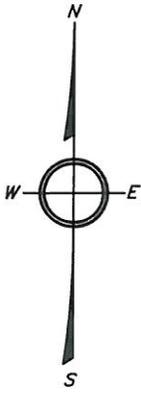


Summer Street in Boxborough



80 Summer Street Boxborough

Nature and Justification for Variance Application at 155 Summer Street, Acton, MA



VARIANCE DOCUMENTS

DAGBUILT HOMES
ACTON, MA

JOB: 151091

BY: MEH | CHK: BDR

LOCUS PLAN
1"=1200'

DATE: 11/3/15

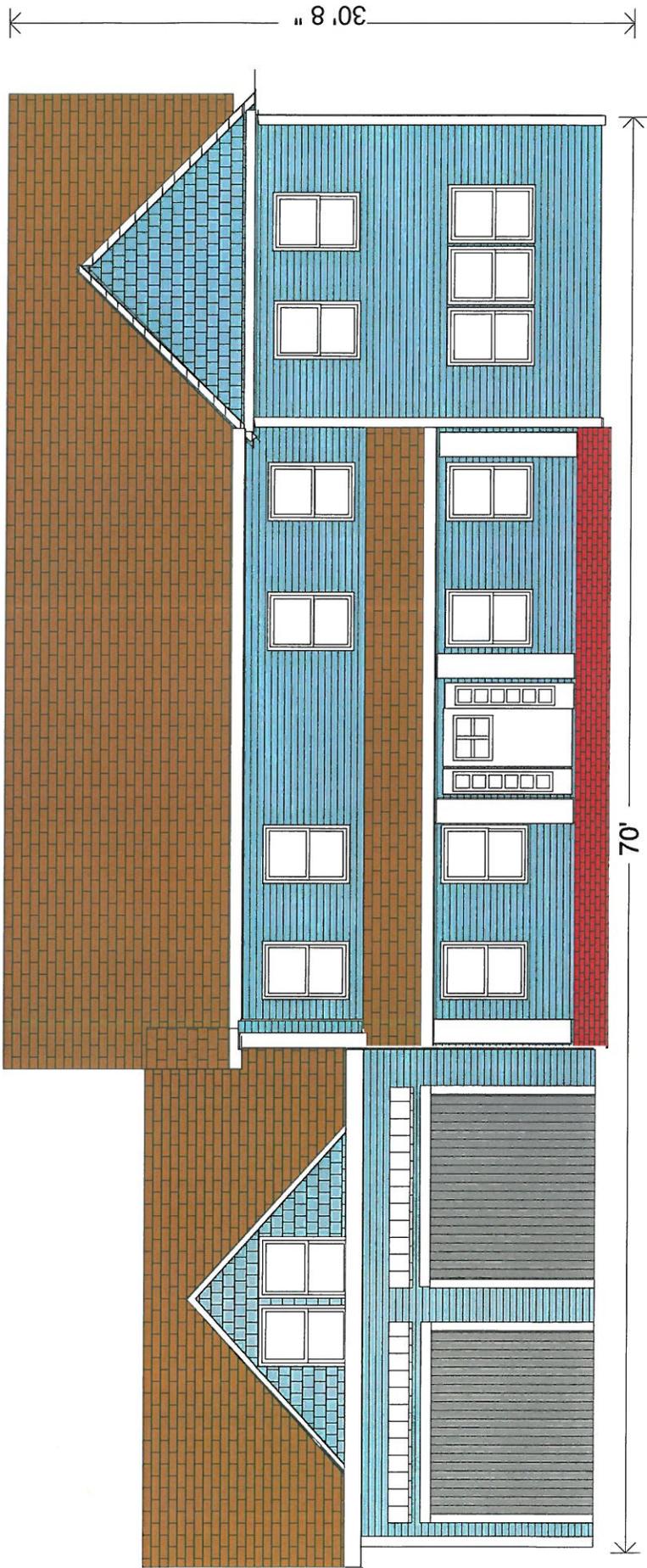
SKC-3

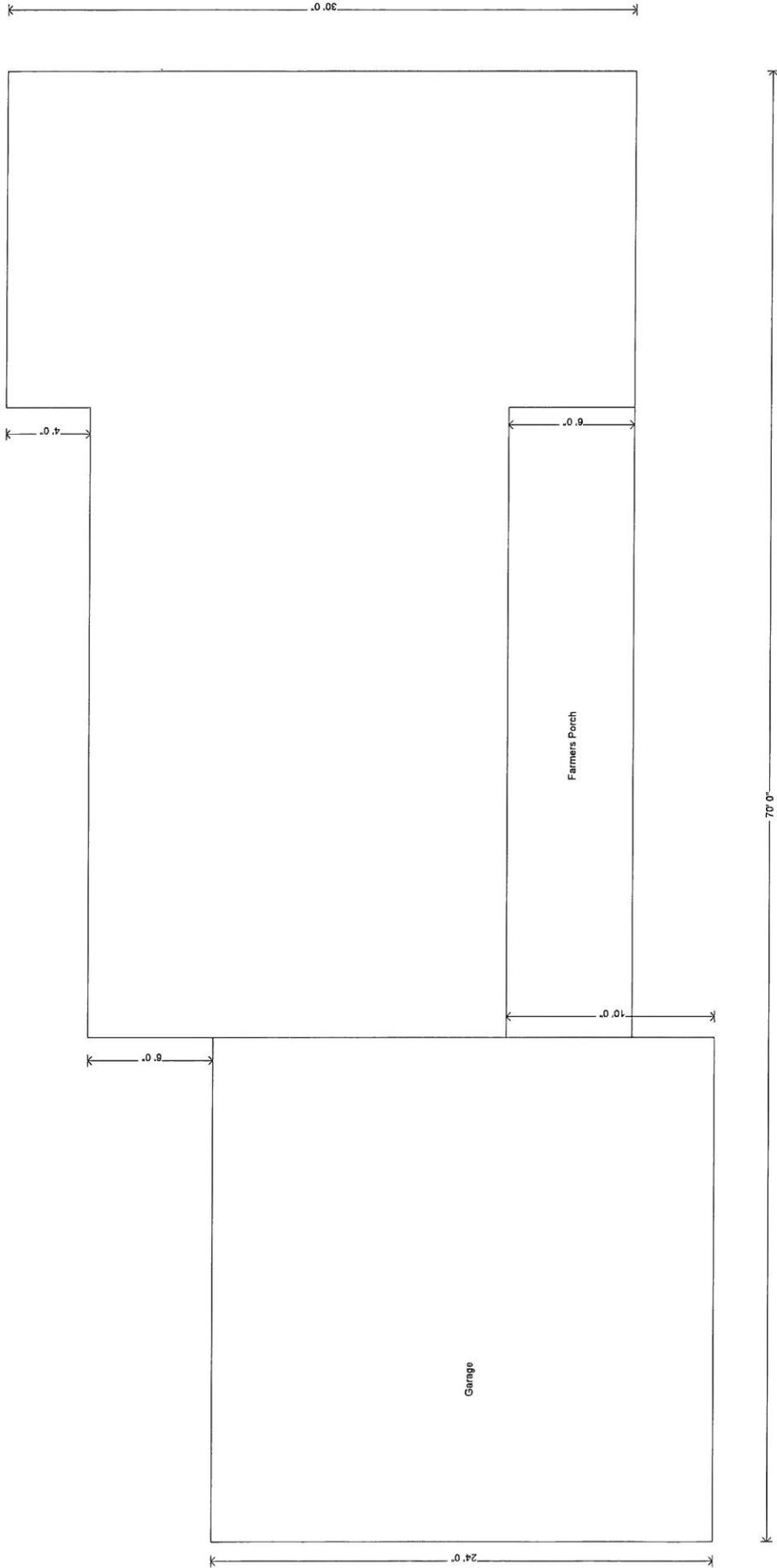
GPR

Engineering Solutions
for Land & Structures

GOLDSMITH, PREST & RINGWALL, INC.

39 MAIN STREET, SUITE 301, AYER, MA 01432
CIVIL ENGINEERING · LAND SURVEYING · LAND PLANNING
VOICE: 978.772.1590 FAX: 978.772.1591
www.gpr-inc.com





30.00



0.4

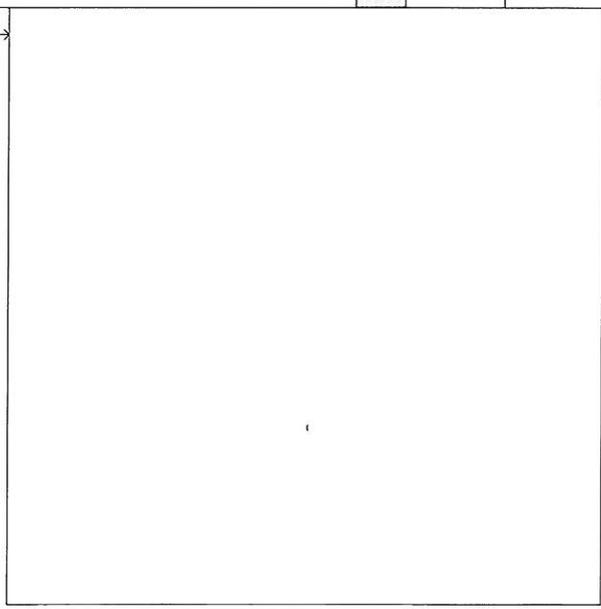
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OVERHANG

OVERHANG 2

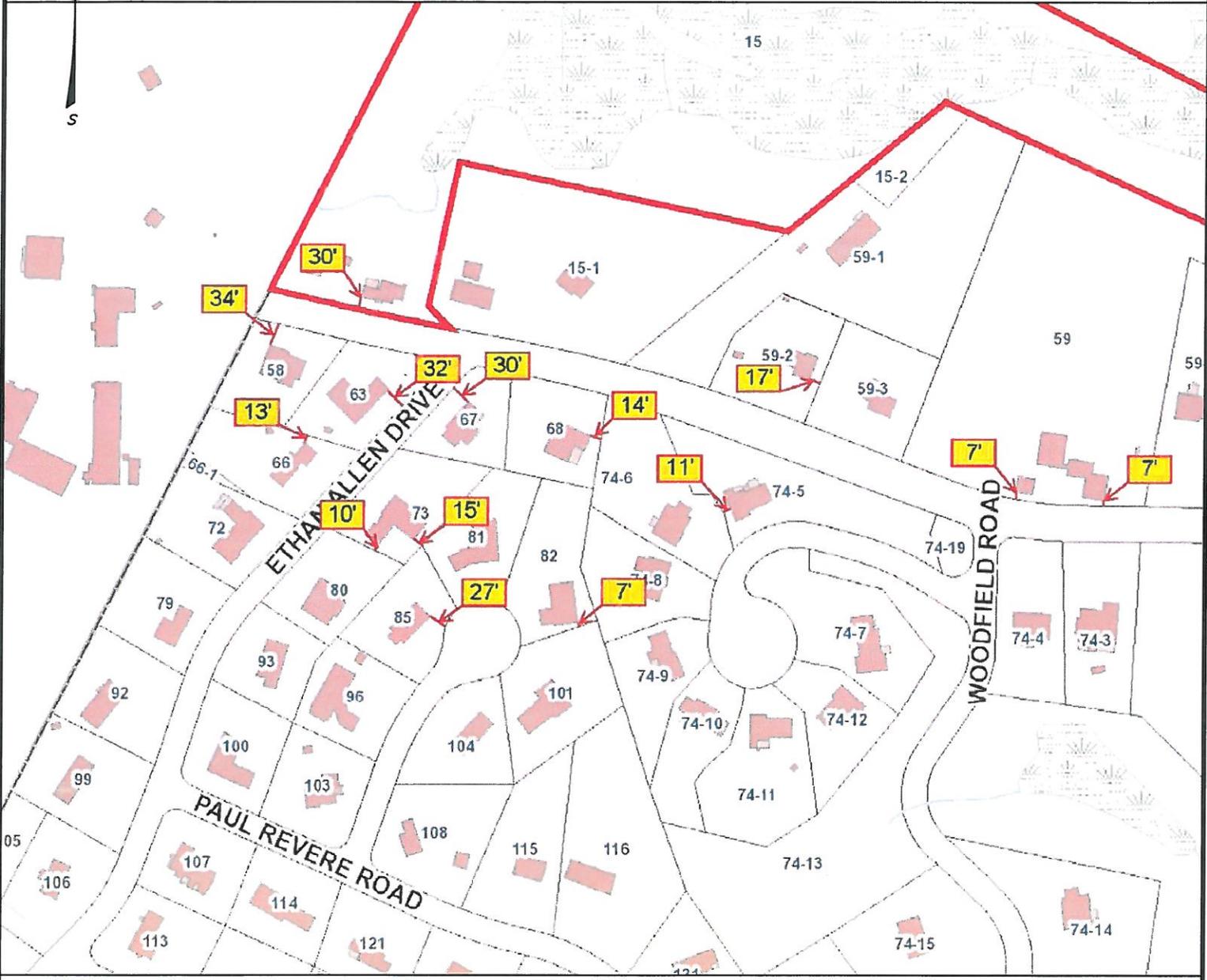
10.00

0.9



24.00

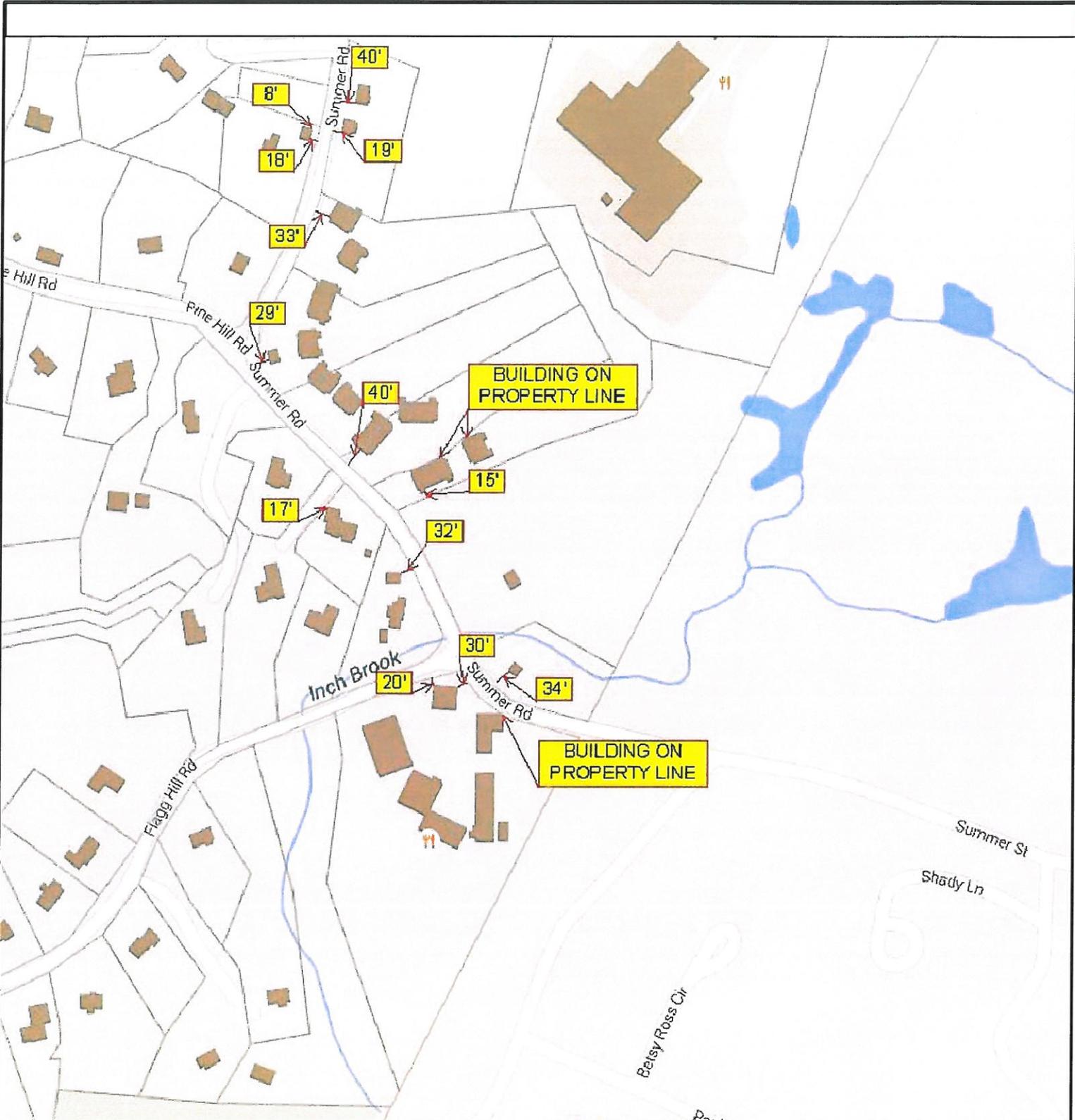
70.00



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CIVIL ENGINEERING · LAND SURVEYING · LAND PLANNING
VOICE: 978.772.1590 FAX: 978.772.1591
www.gpr-inc.com

VARIANCE DOCUMENTS	
DAGBUILT HOMES ACTON, MA	
ACTON BUILDING SETBACKS	
JOB: 151091	BY: MEH CHK: BDR
DATE: 11/3/15	
SKC-1	

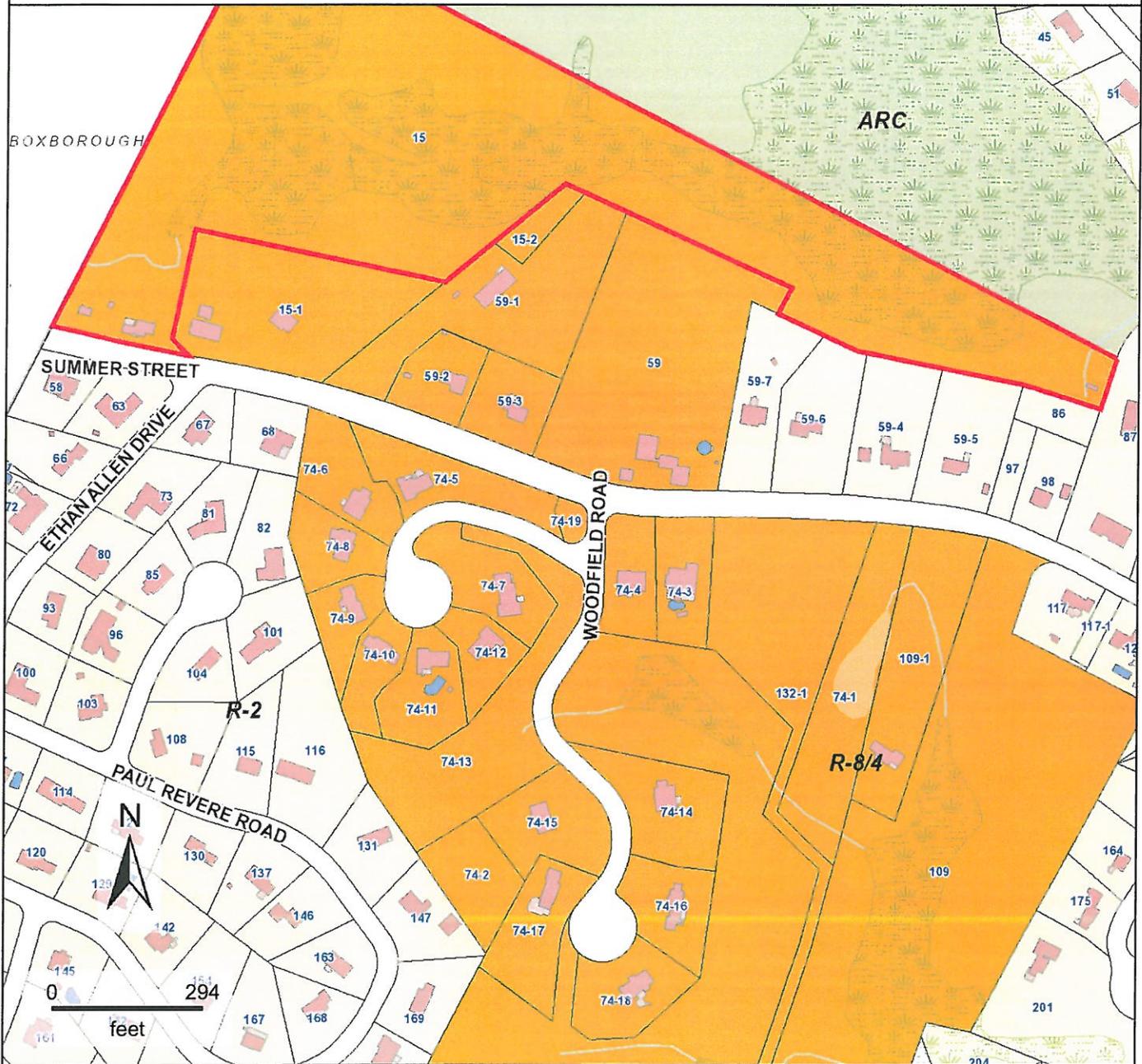


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VARIANCE DOCUMENTS	
DAGBUILT HOMES ACTON, MA	
JOB: 151091	BY: MEH CHK: BDR
DATE: 11/3/15	
SKC-2	
BOXBOROUGH BUILDING SETBACKS	

Acton Zoning

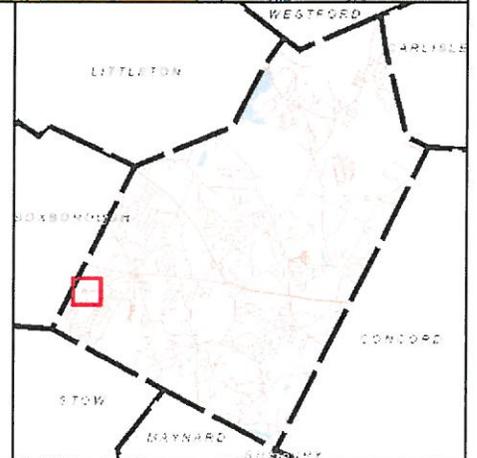


Property Information
Property ID F1-15
Location 153 SUMMER ST



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.



ZONING

AFFORDABLE HOUSING OVERLAY DISTRICT
 // A
 X X B

ZONING DISTRICTS

- R-2 (Residence 2)
- R-4 (Residence 4)
- R-8 (Residence 8)
- R8/4 (Residence 8/4)
- R-10 (Residence 10)
- R-A (Residence A)
- R-AA (Residence AA)
- R-10/8 (Residence 10/8)
- NAV (North Acton Village)
- SAV (South Acton Village)
- EAV (East Acton Village)
- EAV-2 (East Acton Village 2)
- WAV (West Acton Village)
- VR (Village Residential)
- ARC (Agriculture Recreation Conservation)
- PCRC (Planned Conservation Residential Community)
- LB (Limited Business)
- GI (General Industrial)
- LI (Light Industrial)
- LI-1 (Light Industrial 1)
- SM (Small Manufacturing)
- TD (Technology District)
- KC (Kelley's Corner)
- OP-1 (Office Park 1)
- OP-2 (Office Park 2)
- PM (Powder Mill)

BASE MAP

- POOLS
- STRUCTURES**
- BUILDING
- DECK
- FOUNDATION
- FUEL TANK
- MOBILE
- PORCH
- RUINS
- SMOKESTACK
- WATERTANK
- SPORTS FACILITY / AREAS

TOWN DATA

- POINTS OF INTEREST**
- CONSERVATION
- HISTORICAL
- MUNICIPAL
- OTHER GOVERNMENT
- PUBLIC SAFETY
- RECREATION
- SCHOOL
- PARCELS
- TOWN BOUNDARY

NATURAL RESOURCES

- DEP RIVERS & STREAMS
- DEP WETLANDS**
- WET AREAS
- PONDS



Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 929-6821
 Fax (978) 929-6340

Brian McMullen
 Principal Assessor

Locus: 153 SUMMER ST
 Parcel: F1-15

Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	ST	Zip
F1-110-1	107 SUMMER ST	HECKER JOHN BOSCO	HECKER MEGAN	107 SUMMER ST	ACTON, MA	01720	
F1-110-2	103 SUMMER ST	GARDINER EDWARD T	GARDINER MARGARET B	103 SUMMER ST	ACTON, MA	01720	
F1-15-1	149 SUMMER ST	ERIKSON JAMES	ERIKSON JOHN R	149 SUMMER ST	ACTON, MA	01720	
F1-15-2	143 SUMMER ST BEHIND	CRONIN EDWARD	CRONIN MARINA	143 SUMMER STREET	ACTON, MA	01720	
F1-4	680 MASS AV	ACTON WATER DISTRICT		PO BOX 953	ACTON, MA	01720	
F1-58	154 SUMMER ST	ERIKSON DAVID	ERIKSON ELISE M	154 SUMMER ST	ACTON, MA	01720	
F1-59	129 SUMMER ST	COOP JULIE	COOP PAUL	129 SUMMER ST	ACTON, MA	01720	
F1-58-1	143 SUMMER ST	CRONIN EDWARD	CRONIN MARINA	143 SUMMER STREET	ACTON, MA	01720	
F1-58-2	141 SUMMER ST	BROWN WILLIAM H	BROWN JENNIFER W	141 SUMMER ST	ACTON, MA	01720	
F1-58-3	137 SUMMER ST	PEREIRA CECIL S	PEREIRA CHERYL M	137 SUMMER ST	ACTON, MA	01720	
F1-58-4	123 SUMMER ST	LULL GEOFFREY B	LULL RUTH M	123 SUMMER ST	ACTON, MA	01720	
F1-58-5	119 SUMMER ST	OLLIVER KATHERINE M	LAWRENCE E	123 SUMMER ST	ACTON, MA	01720	
F1-58-6	125 SUMMER ST	ETHIER JASON D	ETHIER ZHOU	119 SUMMER ST	ACTON, MA	01720	
F1-58-7	127 SUMMER ST	LIN YING-IEH	NISHYAMA TERUMI	125 SUMMER ST	ACTON, MA	01720	
F1-63	1 ETHAN ALLEN DR	KASTURIRANGAN SUSILA	GOPALARATNAM KASTHURI	127 SUMMER ST	ACTON, MA	01720	
F1-64	19 BIRCH RIDGE RD	BINKS PETER J	BINKS HENDRIKA	1 ETHAN ALLEN DR	ACTON, MA	01720	
F1-65	3 ETHAN ALLEN DR	WARRINGTON CURTIS S	WARRINGTON MARIA	19 BIRCH RIDGE RD	ACTON, MA	01720	
F1-66-1	5 ETHAN ALLEN DR	ROOT ARTHUR E	ROOT DRENA K	3 ETHAN ALLEN DR	ACTON, MA	01720	
F1-67	2 ETHAN ALLEN DR	SHUKLA PRADEEP	SHUKLA SUNITA P	5 ETHAN ALLEN DR	ACTON, MA	01720	
F1-68	148 SUMMER ST	NORTHUP WILLIAM	SHELLEY K	2 ETHAN ALLEN DR	ACTON, MA	01720	
F1-73	4 ETHAN ALLEN DR	SEIFER JOEL M	RUTH	148 SUMMER ST	ACTON, MA	01720	
F1-74-8	3 SHADY LN	BERKA SHARON	CRAIG MUZILLA	4 ETHAN ALLEN DRIVE	ACTON, MA	01720	
F1-75	21 BIRCH RIDGE RD	FRIDRIKH SERGEY	FREYDINA EVGENTY A	3 SHADY LANE	ACTON, MA	01720	
F1-81	8 BETSY ROSS CIR	KENAH MARCIA	LAWRENCE J	21 BIRCH RIDGE RD	ACTON, MA	01720	
F1-82	7 BETSY ROSS CIR	PAAKKI JOHN F		8 BETSY ROSS	ACTON, MA	01720	
F1-87	113 SUMMER ST REAR	POTTER SHELLEY		7 BETSY ROSS CIRCLE	ACTON, MA	01720	
F1-88	359 ARLINGTON ST	BARRIS PAULETTE M		113 SUMMER ST REAR	ACTON, MA	01720	
F1-88-5	361 ARLINGTON ST	TORMA DENNIS O		217 CENTRAL ST	ACTON, MA	01720	
F1-97	113 SUMMER ST BESIDE	CAO JINGDONG + LIU HAIYUN		359 ARLINGTON ST	ACTON, MA	01720	
F1-98	113 SUMMER ST	POTTER SHELLEY		361 ARLINGTON ST	ACTON, MA	01720	
		POTTER SHELLEY		113 SUMMER ST BESIDE	ACTON, MA	01720	
				113 SUMMER ST	ACTON, MA	01720	

JOHN MUMFORD
Principal Assessor

Locus: 153 SUMMER ST
Parcel: F1-15

Parcel ID LOCATION Owner Co-Owner Mailing Address City ST Zip
Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the
property line all as they appear on the most recent applicable tax list

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE
PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01729 Maynard, MA 01754 Concord, MA 01742 Littleton, MA 01480
Carlisle, MA 01741 Stow, MA 01775 Westford, MA 01886 Sudbury, MA 01776

Mary Abbott

Mary Abbott
Action Assessors Office

11/3/2015

November 2, 2015

**Subject: 153 Summer St.
Map R1 parcel 15**

To Whom It May Concern:

I hereby authorize Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA, 978.772.1590, to act as my agent in administrative and civil engineering matters pertaining to the proposed permitting at the subject site. This authorization covers the execution of application forms, presentation of plans and designs, and communication with involved parties.

Respectfully,



John Erikson
151 Summer St.
Acton, MA 01720

Copy: Goldsmith, Prest & Ringwall, Inc.
file

November 2, 2015

**Subject: 153 Summer St.
Map F1 parcel 15**

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Respectfully,



dagBuilt, Inc.
Jeff D'Agostine
189 Burroughs Road
Boxborough, MA 01719

Copy: Goldsmith, Prest & Ringwall, Inc.
file

ERIKSON FAMILY REALTY TRUST
213 SUMMER RD
BOXBOROUGH, MA 01719

01-11

310
53-309/113
02

11.2.10
Date

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