

## BOARD OF APPEALS

Hearing # 16-01

**DECISION ON THE PETITION OF CHIARA RUBIN  
FOR A SPECIAL PERMIT UNDER SECTION 8.1.5  
TO INCREASE THE GROSS FLOOR AREA  
AT A RESIDENCE AT 55 MAPLE STREET  
BY MORE THAN 15 PERCENT**

The Acton Board of Appeals (the "Board") held a duly noticed public hearing on February 1, 2016, with regard to the Petition of Chiara Rubin for a **Special Permit** under Section 8.1.5 of the Zoning By-Law to add a second story and make other changes to a home on a nonconforming lot at 55 Maple Street, increasing the "gross floor area" of the structure by more than 15%. Map H2A/Parcel 25.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Board Member; Suzanne Buckmelter, Alternate Board Member; Board Secretary Kim Gorman; Roland Bartl, Town Planner; and Robert Hummel, assistant Town Planner. Also present were petitioner and owner Chiara Rubin, her domestic partner Richard Oliver, and members of the public.

Chairman Wagner opened the meeting, and read the contents of the file into the record, which included the application with architectural plans, as well as comments from the Engineering Department. An interoffice memo from Roland Bartl, Town Planner, stated that the Planning Department had no objection to granting the special permit.

There was a consensus of the Board that the proposal would be an improvement to the neighborhood, as this is presently a one-story cinderblock home surrounded by two story homes with siding. The Board had concerns about the amount and percentage of the increase in the gross floor area, *i.e.*, 78%, as well as the height of

the proposal, the asymmetric set of front windows, the vivid siding color on the "photoshopped" proposed building, and the height of the proposed building. The petitioner responded that no actual color had yet been chosen; the windows were planned this way to retain the present configuration as much as possible; and the height would be higher than one of the neighboring houses, but lower than the other. The petitioner was advised that in order to fit within the By-law and not be replacing the current building, the cinderblock structure would need to be retained. Petitioner agreed to this; uniform siding would cover the first floor cinderblock and continue throughout the exterior.

A member of the public living on the road spoke in favor of the petition.

The Board voted to close the hearing.

The Board, after specifically making the mandatory findings under Section 10.3.5 of the By-Law, and finding that the project would not be substantially more detrimental to the neighborhood than the existing structure on the nonconforming lot, voted unanimously, 3-0, to GRANT the SPECIAL PERMIT, with the following conditions:

1. That the project comply with the set of plans submitted, except as noted below.
2. That the new construction is to be integrated with the existing cinderblock structure, which cinderblock structure shall not be razed. Uniform siding shall be utilized on the entire structure, with muted color tones.
3. That the sills of the lower level front windows shall all be at the same height, and the lintels of the lower level front windows shall likewise all be at the same height.

**ACTON BOARD OF APPEALS**

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Jonathan Wagner, Chairman

Richard Fallon, Board Member

Suzanne Buckmelter, Alternate

Dated:

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

Kim Gorman, 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.