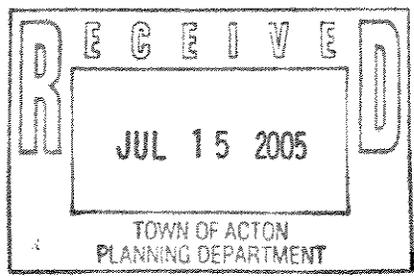


Planning

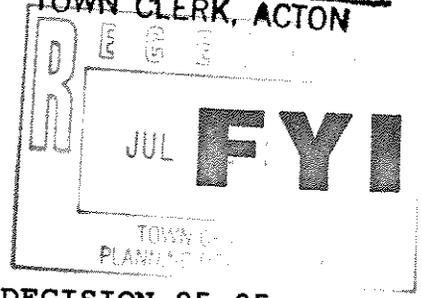
RECEIVED & FILED

DATE 7-15-05

Marty Abbott
TOWN CLERK, ACTON



MASSACHUSETTS
BOARD OF APPEALS



DECISION 05-05

DECISION ON THE PETITION BY NICOLE JONES-GREIGE, 6 SOUTH STREET

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, June 6 at 7:30 P.M. on the petition by Nicole Jones-Greige for a special permit under section 4.1.9 of the Zoning Bylaw to allow construction of a new driveway in a Flood Plain. The lot is located at 6 South Street. Map B6/Parcel 34.

Present at the hearing were Jonathan Wagner, Chairperson; William Sawyer, Alternate Member; Cara Voutselas, Alternate Member; Gary Rhodes, Building Commissioner; Cheryl Frazier, Board of Appeals Secretary; and Nicole Jones-Greige, Petitioner.

Mr. Wagner opened the hearing and read the contents of the file. Included in the file were IDC's from Roland Bartl, Town Planner; Corey York, Town Engineer and the Board of Health. Mr. Wagner asked the Petitioner to begin.

Ms. Jones-Greige explained that she and her husband plan to enlarge their home by adding an attached garage with living space above. A portion of the yard and proposed driveway area is within the Flood Plain. Construction of the driveway will displace 47 cubic feet of water. The total Natural Flood Storage Volume on the lot is 2,541 cubic feet. The percent of Natural Flood Storage Volume preserved is 98.1%. No neighbors were present to offer testimony on the proposed expansion.

The Board of Appeals, after considering the materials submitted with petition, together with the information developed at the hearing finds that:

1. The Petitioner seeks a special permit under section 4.1.9 of the Zoning Bylaw.
2. The total Natural Flood Storage Volume on the lot is 2,541 cubic feet.
3. Construction of the driveway will displace 47 cubic feet, or 1.9% of the total Natural Flood Storage Volume on the lot.
4. The Petitioner meets the requirements of section 4.1.9 of the Zoning Bylaw.
5. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw. The granting of the special permit is in accordance with the Master Plan.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted to GRANT the special permit under section 4.1.9 of the Zoning Bylaw subject to the following conditions:

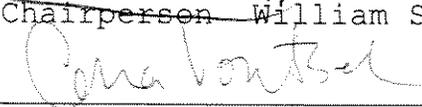
1. The driveway construction must substantially comply with the architectural renderings submitted and as shown on the certified plot plan; and
2. The Petitioner must file an as-built plan upon completion of construction in accordance with section 4.1.9.1.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON BOARD OF APPEALS


Jonathan Wagner, Chairperson


William Sawyer, Alternate


Cara Voutselas, Alternate

Effective Date of Special Permit: No special permit or any modification, extension or renewal thereof shall take effect until a copy of this decision has been recorded in the Middlesex County South District Registry of Deeds.

Such decision shall bear the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the Office of the Town Clerk, and that no appeal has been filed, or that if such an appeal has been filed it has been dismissed or denied.

Cheryl Franjin Board of Appeals Secretary,
July 15, 2005 Filed with Town Clerk