

Date Received  
TOWN CLERK

**Appendix B**

Date Received  
BOARD OF APPEALS

By: \_\_\_\_\_

By: \_\_\_\_\_

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

Relief being sought from the requirements of Zoning Bylaw Section: Section 5 Dimensional Requirement Table Note (1)

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 270-272-274 Central Street
2. Applicant's Name West Acton Baptist Church  
Address 592 Massachusetts Abenue, Acton MA 01720  
Telephone 978-263-5902 Email WABCADMIN@verizon.net
3. Record Owner's Name West Acton Baptist Church  
Address 592 Massachusetts Avenue, Acton MA 01720  
Telephone 978-263-5902 Email same as above
4. Surveyor Stamski and McNary, Inc.  
Address 1000 Main Street, Acton MA 01720  
Telephone 978-263-8585 Email GD@STAMSKIANDMCNARY.COM
5. Engineer N/A  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_ Email \_\_\_\_\_
6. Town Atlas Map(s)/Parcel Number(s) MAP F2A-100, 101, 116 & 119
7. Zoning District (s) of Parcel(s) West Acton Village District
8. Detailed description of the proposed VARIANCE (Please use additional pages if needed): See attached addendum with statement of substantial hardship
9. If any VARIANCES have been filed previously for this site give file numbers:  
Zoning Board of Appeals File NO. 87-40

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.

12/3/15 \_\_\_\_\_  
 Date Signature of Petitioner(s) Signature of Petitioner(s)  
West Acton Baptist Church by its attorney, Michael E. Katin, Esq.

**RECORD OWNER'S KNOWLEDGE AND CONSENT**

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

12/2/2015 \_\_\_\_\_  
 Date Signature of Record Owner(s) Signature of Record Owner(s)  
West Acton Baptist Church by its Moderator, Nancy L. Hoover

Addendum to Application for Variance  
270-272-274 Central Street  
with  
Statement of Substantial Hardship

1. Description of Premises:

West Acton Baptist Church ("Applicant") owns the premises located at the southwest intersection of Central Street and Massachusetts Avenue consisting of the main church building, a children's day school fenced in play area and a parking area ("Church") at 592 Massachusetts Avenue (Map F2A, Parcels 100 and 101), a church annex ("Annex") located at 274 Central Street (Map F2A, Parcel 116) and a single family residence with detached garage ("House") numbered 270 Central Street (Map F2A, Parcel 119). The Premises are comprised of the property purchased in 1847 on which the original church structure was built and reconstructed after a fire in 1853 plus property acquired by four deeds as follows:

1. Deed granted by Donald Feltus, et als, dated December 20, 1955, recorded with the Middlesex South Registry of Deeds in Book 8636 page 492 ("Feltus Deed")
2. Deed of George D. Stevenson and Clara E. Stevenson dated April 11, 1956, recorded with said Registry in Book 8709 page 221 ("Stevenson Deed"). It should be noted that the legal description of the Property in this deed is by reference to a 1939 plan filed with said Registry as Plan No. 493 of 1939 ("1939 Plan"). This deed comprises the property on which the parking area and part of the Pre-school play area are located. This is the only previous plan of any portion of the Premises
3. Deed of Shirley H. Dexter, et al, recorded April 12, 1968, with said Registry in Book 11491 page 293 ("Dexter Deed").
4. Deed of Patricia A. Johnston dated August 18, 1969, with said Registry in Book 11726 page 351 ("Johnston Deed").

The Premises are located in the West Acton Village District.

The Premises are the subject of a variance granted in 1987 (Hearing 87-40) in order to create a new entrance to the Church. A copy of the decision of the Board of Appeals in that matter was recorded with said Registry in Book 18771 page 4 ("Previous Variance").

The properties immediately abutting the Premises are:

1. Parcel F2A-127 abuts the Premises on the southerly boundary of the Premises. There are two white clapboard structures on this property. One is a large structure with with 9 apartments. The addresses of this structure are 262, 264 and 266 Central Street. The other is a single family house with the address of 268 Central.

2. Parcels F2A-110 and 120. The properties to the east of the Premises are across Central Street. Parcel F2A-110 consists of the retail buildings at 271-277 Central Street. Parcel F2A-120 is a single family residence owned and used as a Christian Science Society facility at 267 Central Street.
3. The intersection of Arlington Street, Massachusetts Avenue and Central Street is to the north of the Church Lot; On the other side of the intersection, there is an office building at 282 Central Street (Parcel F2A-78) and a 4 unit residential building at 267 Arlington Street with a second residential structure to the rear behind on the same parcel (F2A-69).
4. The western boundary of the parking area of the Church Lot is located on Arlington Street. The property across Arlington Street (608 Massachusetts Avenue- Parcel F2A-96) is an antique residence. The other property directly abutting the Premises to the west is an antique residence located at 276 Arlington Street (Parcel F2A-99).

Although the Town has assessed the Premises as four separate parcels, there are no recorded plans of the Premises with the exception of the 1939 Plan.

The Applicant has had a plan of its property prepared by Stamski and McNary, Inc. dividing it into three (3) parcels of land designated as Lots 1, 2 and 3 on the plan that is entitled "Plan of Land in Acton, Massachusetts for: West Acton Baptist Church" Scale: 1" = 20' dated July 1, 2015, and revised August 7, 2015 ("Plan"). The Planning Board endorsed the Plan on an Approval Not Required basis on August 10, 2015. Lot 1 is the "Church Lot" (inclusive of the children's day school play area and parking area), Lot 2 is the "House Lot" and Lot 3 is the "Annex Lot." The Plan incorporates the children's pre-school play area and the parking area within the Church Lot. It also reconfigures the House Lot and the Annex Lot both of which were designated as separate parcels on the Assessors' map without the benefit of a recorded plan.

## 2. Relief Being Sought:

The Notes for the Table of Standard Dimensional Regulations embedded in Section 5 of the Zoning Bylaws requires in Note (10) thereof a MAXIMUM front yard setback of ten (10) feet in the West Village Zoning District ("Maximum Front Yard Setback"). According to the Plan, the House has a front yard setback of 44.6 feet, more or less, and the Annex has a front yard setback of 11 feet, more or less. There are no other inconsistencies with the dimensional requirements for the Premises. The Applicant is seeking a variance from the Maximum Front Yard Setback of both the House and the Annex.

In the current configuration of having all the buildings on one lot, the maximum set back requirement is satisfied by the compliance of the Church (i.e. the set back of the Church is 6.8 feet). The separation of the House Lot and the Annex Lot from the Church property, which is

necessary in order to be able to sell those lots, results in the House and the Annex becoming non-compliant with the By Law. Therefore, a variance is necessary in order to enable the Applicant to convey the House Lot and/or the Annex Lot as the separate lots created by the Plan.

Furthermore, the Applicant is not seeking to construct or improve the Premises in any way and the topography of the Premises is not a factor in regard to the relief being sought. Therefore, the Applicant also seeks a waiver of the requirements to provide a Contour Plan and a USGS Map as set forth in Section 2.5 of the Rules and Regulations for Variance as adopted on July 6, 2015.

3. Reason Relief is Being Sought:

The House is approximately 100 years old. The Applicant is no longer using the House as a parsonage and needs to sell the House in order to meet its financial needs. The plan was prepared in order to create a marketable parcel of land separate from the other church structures. Although the major discrepancy with the Maximum Front Yard Setback requirement is the 44.6 feet set back of the House, the recording of a new plan also brings to light the 11 feet set back of the Annex.

4. Reasons Relief Should be Granted:

- a. All three structures have been in existence for over 100 years and there is no evidence to the effect that there have been any alterations to any of the structures that would have increased the set back discrepancies that currently exist.
- b. The violations of the Maximum Front Yard Setback cannot be resolved by alteration of the House and/or the Annex without the undue hardship of complying with the Historic District By Laws. The Applicant has no plans or need to perform any alterations to any of the buildings.
- c. The Church, the day care children's play area and the parking area represent usages that are currently separate from the usage of the House and potentially separate from the usage of the Annex
- d. The de minimis set back inconsistency of the Annex, the current financial need to sell the House, the potential need to enable the possibility of a future and/or simultaneous sale of the Annex and the fact that the Annex Lot and the Church Lot were obtained by way of separate deeds makes it logical for one plan to create the three lots at this time.
- e. All of the abutting structures set forth in Section 1, above, are of a similar vintage and nature as the structures on the Premises. Furthermore, all of the abutting residential

structures with the exception of the property at 608 Massachusetts Avenue (F2A-96) appear to have front yard setbacks in excess of the 10 feet limitation.

- f. The relief sought by the Applicants for a variance in order to create three separate, marketable lots does not nullify or substantially derogate from the intent or purpose of the dimensional and use requirements of the West Acton Village District as they are set forth in the Zoning By Laws. This is particularly true in the case of the Annex with a variance of only 1 foot being sought. Therefore, the granting of the relief sought would have virtually no impact on the "public good.
  - g. The Town already assesses the property as three separate parcels but without plans sufficiently accurate to be able to convey any of those as separate parcels.
5. Statement of Substantial Hardship

The Applicant must sell some of its assets to meet its financial needs. There is a current need to realize funds that would be generated by the sale of the House and a future and/or simultaneous sale of the Annex. If the Church were to be unable to sell these structures as separate lots, the only recourse it would have to meet its financial needs would be to sell the entire property consisting of the House, the Annex and the Church and relocate from the site it has owned, used and occupied since 1846.

#### Summation

In light of the foregoing, the Board will be fully compliant with the provisions of Mass. Gen. Laws Chapter 40 section 10 in finding that "owing to circumstances relating to the ...shape... of (the) land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ... by-law would involve substantial hardship, financial or otherwise, to the (applicant), and that 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) by-law."

Exhibits

1. Pictures of the House, Annex and Church
2. Copies of the Feltus, Stevenson, Johnston and Dexter Quitclaim Deeds
3. Plan of Land in Acton Surveyed for Addie L. Holt by Horace F. Tuttle dated June 15, 1939 and recorded with the Middlesex South District Registry of Deeds as Plan No. 493 of 1939 (hereinbefore defined as the "1939 Plan").
4. Previous Variance
5. Certified List of Abutters
6. Notice of Hearing
7. Plan of Land in Acton, Massachusetts for: West Acton Baptist Church" Scale: 1" = 20' dated July 1, 2015, and revised August 7, 2015 (hereinbefore defined as the "Plan").

Certification of Applicant.

Michael E. Katin, as attorney for the Applicant, hereby certifies that I have read the Zoning Board of Appeals Rules and Regulations for Variance and that the statements within this amended petition and the attachments are true and accurate to the best of my knowledge and belief.

West Acton Baptist Church  
By its Attorneys

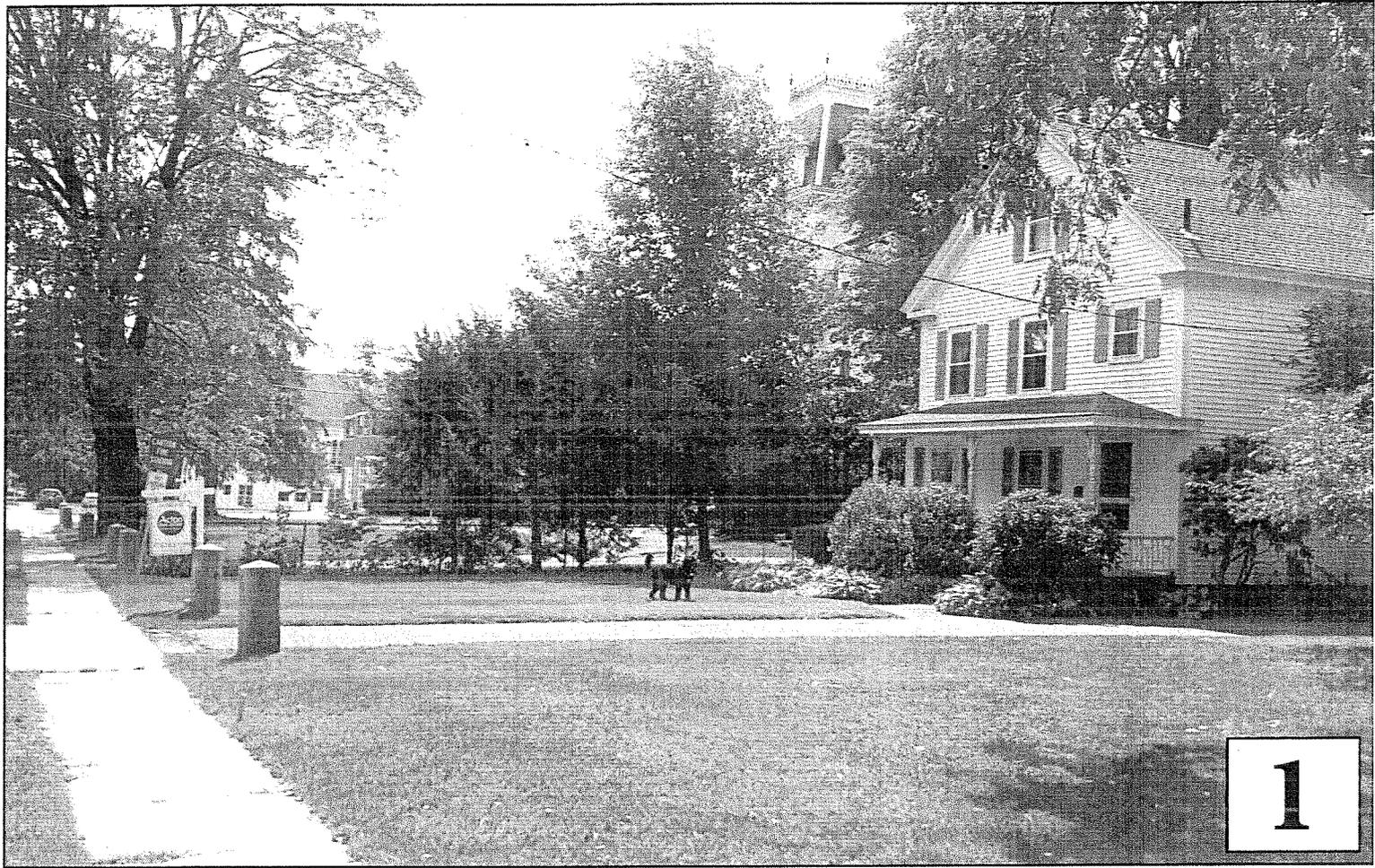
Scheier Katin & Epstein, P.C.

  
\_\_\_\_\_  
Michael E. Katin

Dated: 12/3/15

## INDEX OF PHOTOGRAPHS

1. House at 270 Central Street-Frontage and Driveway.
2. Annex at 274 Central Street.
  - a. Barn/garage accessory to 270 Central Street.
  - b. Garage accessory to 274 Central Street.
  - c. Lawn area divided between 270 and 274 Central Street.
3. House at 270 Central Street and abutting property with apartments numbered 260-262-264-268 Central Street.
4. Space between Annex at 274 Central Street and Church at 592 Massachusetts Avenue looking west toward Pre-school play area.
5. Space between House at 270 Central Street and accessory barn/garage looking east.
6. Pre-school play area looking east from parking area includes side view Church at 592 Massachusetts Avenue and rear view of Annex and accessory garage at 274 Central Street.
7. Back yard of House at 270 Central Street looking south with side view of the apartment structure at 260,264 and 266 Central Street.
8. Annex at 274 Central Street.
9. Christian Science Society office building at 267 Central Street immediately across the street to the east of the Property.
10. Retail and Office building at 271-277 Central Street immediately across the street to the east of the Property.

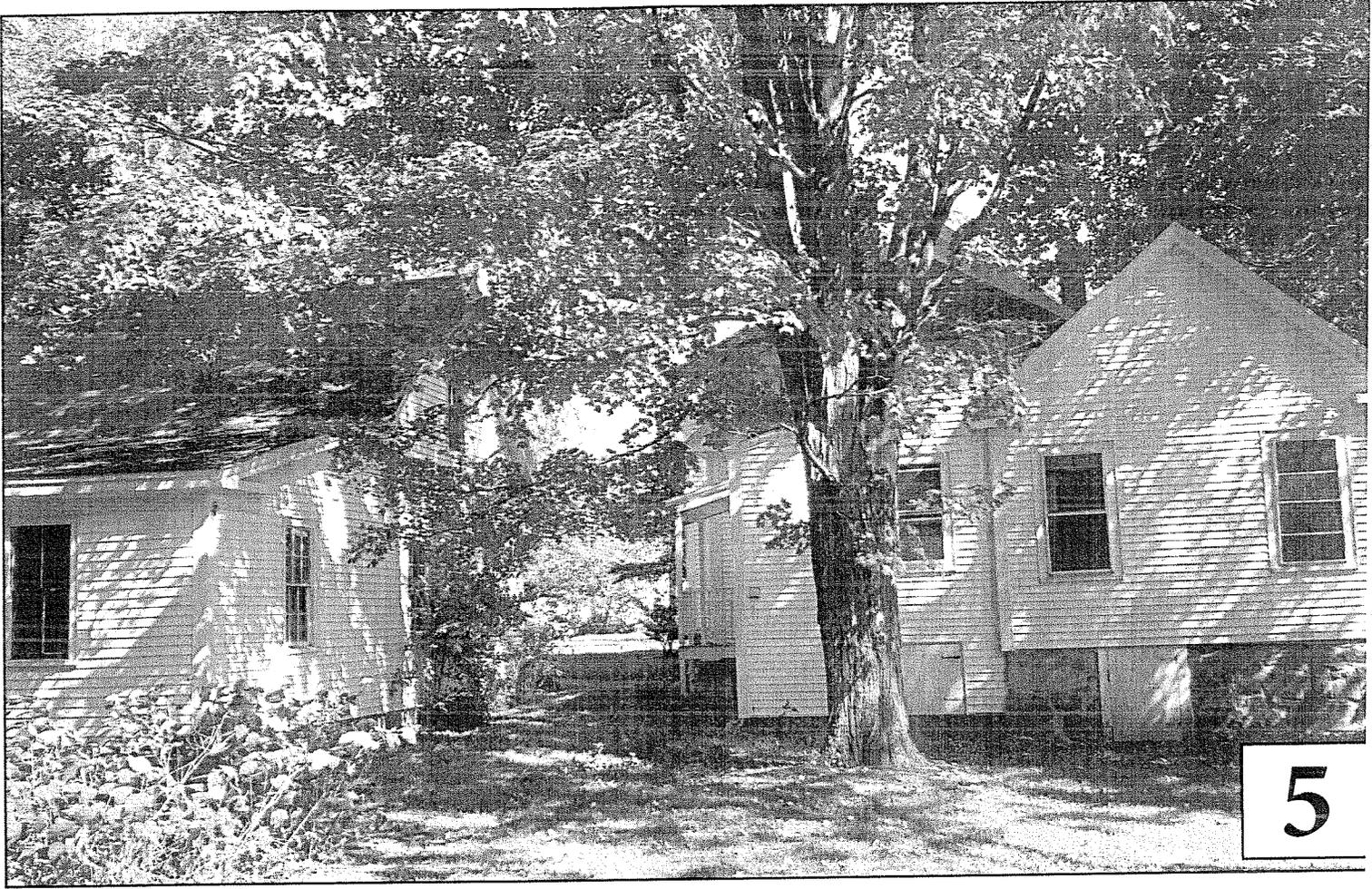




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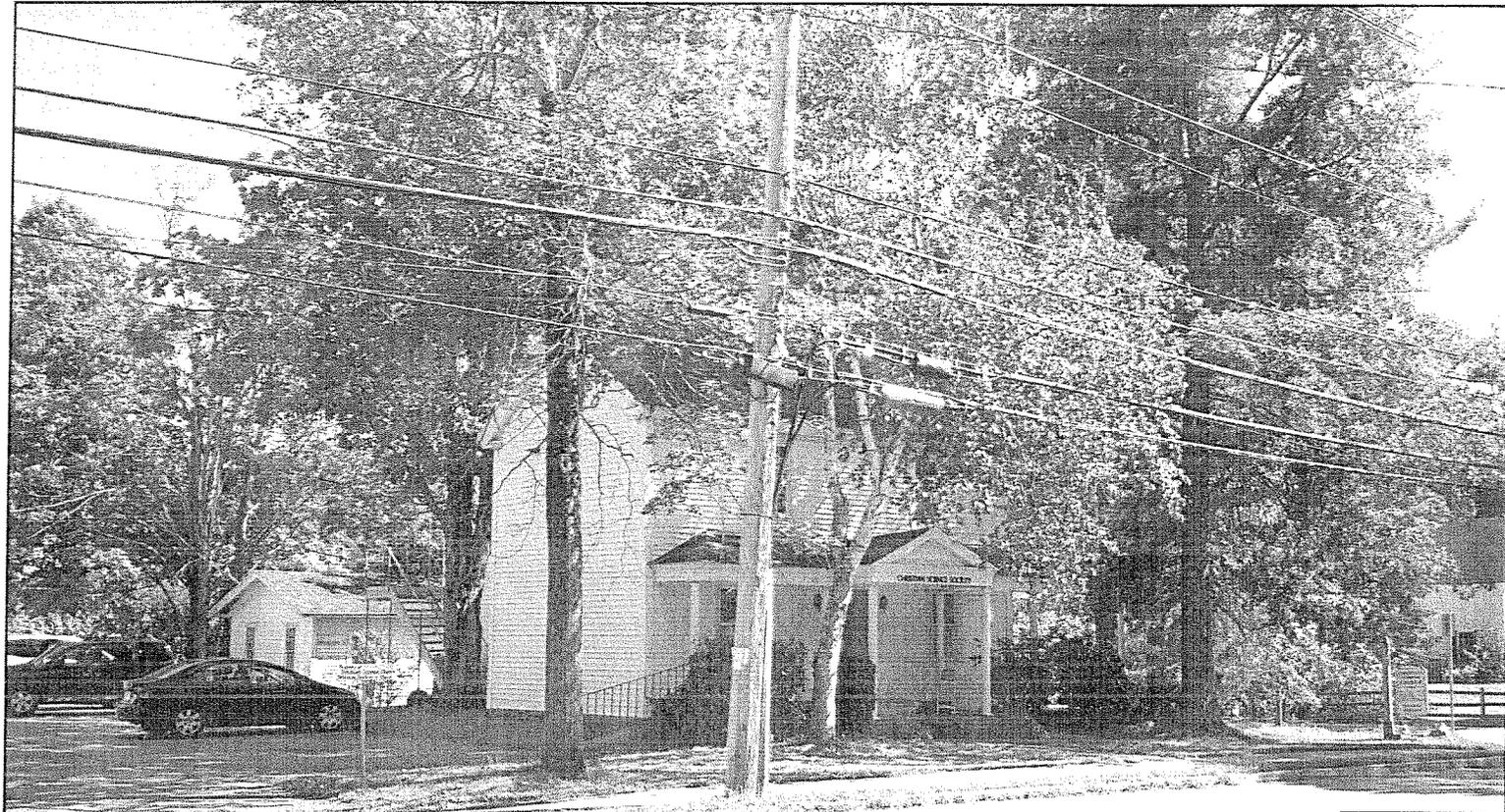




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Town of Acton 472 Main Street  
 Acton, MA 01720  
 Telephone (978) 929-5621; FAX 978-929-6340

Brian McLaughlin  
 Principal Assessor

Parcel Location: 270, 272, 274 CENTRAL ST + 592 MASS AVE  
 Parcel ID: F2A-100 104, 115 + 119

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
F2A-90	585 MASS AV	DINNO SAAD TRUSTEE	DINNO SAAD TRUSTEE	586 MASS AVE	ACTON, MA	01720	
F2A-108	276 ARLINGTON ST	SMITH DONALD G		276 ARLINGTON ST	ACTON, MA	01720	
F2A-110	590 MASS AV	FED LLC MASSACHUSETTS		PO BOX 1544	ARLINGTON, MA	02474	
F2A-111	570 MASS AV	FORSYTH TRUSTEE	J P K REALTY TRUST	P O BOX 983	ACTON, MA	01720	
F2A-115	284 ARLINGTON ST	HARDY ANNE BAGLEY	HARDY STEPHEN C	284 ARLINGTON STREET	ACTON, MA	01720	
F2A-120	267 CENTRAL ST	CHRISTIAN SCIENCE SOCIETY		267 CENTRAL STREET	ACTON, MA	01720	
F2A-127	264 CENTRAL ST	FELTUS DONALD O	C/O FELTUS REALTY TR	PO BOX 612	ACTON, MA	01720	
F2A-129	10-12 PEARL ST	JAMES LEACH TRUSTEE	FFD TRUST	PO BOX 1544	ARLINGTON, MA	02474	
F2A-130	9-15 WINDSOR AV	FORSYTH PATRICK R	PEL REALTY TRUST	PO BOX 983	ACTON, MA	01720	
F2A-134	17 WINDSOR AV	TOWN OF ACTON		472 MAIN STREET	ACTON, MA	01720	
F2A-69	267 ARLINGTON ST	AVERY CHRISTY B TRUSTEE	WEST ACTON VILLAGE REALTY TRUST	PO BOX 834	ACTON, MA	01720	
F2A-77	603 MASS AV	MORIZIO MATHEW	MORIZIO ADELAIDE	603 MASS AVENUE	ACTON, MA	01720	
F2A-78	282 CENTRAL ST	AMCOURT REALTY TRUST	C/O J AVERY	P O BOX 834	ACTON, MA	01720	
F2A-84	285 ARLINGTON ST	SCHMIDT DAVID L	SANDRA K	285 ARLINGTON ST	ACTON, MA	01720	
F2A-85	612 MASS AV	VERRILL JOHN E	VERRILL JENNIFER	612 MASS AVE	ACTON, MA	01720	
F2A-86	591 MASS AV	TOWN OF ACTON		472 MAIN STREET	ACTON, MA	01720	
F2A-87	585 MASS AV	PRESTI RICHARD M ET AL TRS	STONE HOUSE REALTY TRUST	179 MOSSMAN ROAD	SUBURRY, MA	01776	
F2A-88	583 MASS AV	PRESTI RICHARD M ET AL TRS	STONE HOUSE REALTY TRUST	179 MOSSMAN ROAD	SUBURRY, MA	01776	
F2A-89	577 MASS AV	MIDDLESEX SAVINGS BANK	A/TN BRUCE WEISBERG	38 SUMNER ST	SUBURRY, MA	01790	
F2A-89-1	583 MASS AV	PRESTI RICHARD M ET AL TRS	STONE HOUSE REALTY TRUST	179 MOSSMAN ROAD	SUBURRY, MA	01776	
F2A-96	608 MASS AV	GRAS VICTOR + AINSLIND D		608 MASSACHUSETTS AVE	ACTON, MA	01720	
F2A-99	276 ARLINGTON ST	PARKER DOUGLAS J	PARKER STEPHANIE D	276 ARLINGTON ST	ACTON, MA	01720	
F2B-1	258 CENTRAL ST	TOWN OF ACTON		472 MAIN STREET	ACTON, MA	01720	

F2B-10	250 CENTRAL ST	ACTON COMMUNITY CENTER INC		250 CENTRAL ST	ACTON, MA 01720
F2B-11	253 CENTRAL ST	CADOGAN JR ROBERT E	CADOGAN CATHERINE A	253 CENTRAL ST	ACTON, MA 01720
F2B-12	29 WINDSOR AV	KOPANCIK JUDITH R	WATT HELEN	29 WINDSOR AVE	ACTON, MA 01720
F2B-2	257 CENTRAL ST	MATT JAMES	WATT HELEN	257 CENTRAL ST	ACTON, MA 01720
F2B-3	26 WINDSOR AV	SPERO JOSHUA B	WINIFRED C	25 WINDSOR AV	ACTON, MA 01720
F2B-7	9 CHURCH ST	PAINE JOHN H	WINIFRED C	9 CHURCH ST	ACTON, MA 01720
F2B-5	7 CHURCH ST	DAVIDIGIAN JR JOHN A	DAVIDIGIAN NANCY E	PO BOX 953	ACTON, MA 01720
F2B-9	5 CHURCH ST	FAVREAU JR LOUIS W	FAVREAU PATRICIA A	5 CHURCH ST	ACTON, MA 01720
F2A-65-7	283 CENTRAL ST #7C	TOMASELLO JILL		283 CENTRAL ST	ACTON, MA 01720
F2A-65-1	295 CENTRAL ST #1	FIORENTINO FRANK J		295 CENTRAL ST #1	ACTON, MA 01720
F2A-65-10	259 ARLINGTON ST	PEREIRA JESSICA L		259 ARLINGTON ST	ACTON, MA 01720
F2A-65-11	257 ARLINGTON ST	RELLY LAUREN		257 ARLINGTON ST	ACTON, MA 01720
F2A-65-12	255 ARLINGTON ST	HOWELL REBECCA S		29 NASH RD	ACTON, MA 01720
F2A-65-2	293 CENTRAL ST	SHEEHAN DENNIS J		293 CENTRAL ST #2C	ACTON, MA 01720
F2A-65-3	291 CENTRAL ST	CAMILL SHANNON M		291 CENTRAL ST	ACTON, MA 01720
F2A-65-4	288 CENTRAL ST #4C	DULA MICHAEL		288 CENTRAL ST	ACTON, MA 01720
F2A-65-5	287 CENTRAL ST #5C	CASASANTO TONY	NASZNIC SARAH	287 CENTRAL ST #5C	ACTON, MA 01720
F2A-65-6	285 CENTRAL ST #6C	ELLIS LARA C		285 CENTRAL ST #6C	ACTON, MA 01720
F2A-65-8	281 ARLINGTON ST	BOUTIN JESSICA	KENNEDY ERIN T	281 ARLINGTON ST #9A	ACTON, MA 01720
F2A-65-9	261 ARLINGTON ST	MEHEGAN MICHAEL		261 ARLINGTON ST	ACTON, MA 01720
F2A-68	5 MEAD TERR	MEDWIN LAWRENCE B	HERTZBERG ELEANOR R	5 MEAD TERR	ACTON, MA 01720
F2A-69	287 ARLINGTON ST	AVERY CHRISTY B TRUSTEE	WEST ACTON VILLAGE REALTY TRUST	PO BOX 834	ACTON, MA 01720
F2A-78	282 CENTRAL ST	AMCOURT REALTY TRUST	C/O J AVERY	P O BOX 834	ACTON, MA 01720
F2A-79A	250 ARLINGTON ST	SMITH ADAM W C	ANDERSEN CHRISTIANA MCKERMAN	250 ARLINGTON ST	ACTON, MA 01720
F2A-79B	252 ARLINGTON ST	MADDOX MARY PRICE		252 ARLINGTON ST	ACTON, MA 01720
F2B-1	258 CENTRAL ST	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 01720
F2B-2	257 CENTRAL ST	WATT JAMES	WATT HELEN	257 CENTRAL ST	ACTON, MA 01720
F2B-3	25 WINDSOR AV	SPERO JOSHUA B	SPERO ELLEN ROWSE	25 WINDSOR AV	ACTON, MA 01720

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:

*Mary Abbott*  
Acton Assessors Office

9/22/2015

Borborough, MA 01729  
Carlisle, MA 01741

Maynard, MA 01754  
Sion, MA 01775

Concord, MA 01742  
Westford, MA 01886

Littleton, MA 01460  
Sudbury, MA 01776

- NOTES:**
- 1) THIS PLAN IS BASED ON THE REFERENCED PLANS AND AN ON THE GROUND SURVEY. THE CERTIFICATION HEREON IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS AND RECORDS. THE SURVEYOR HAS NO KNOWLEDGE OR OWNERSHIP OF THE PROPERTY SHOWN, OR AS TO THE EXISTENCE OF UNRECORDED EASEMENTS, OWNERSHIP OF ADJUTING PROPERTIES ARE FROM CURRENT ASSESSORS' RECORDS.
  - 2) SEE DECISION OF THE TOWN OR ACTON BOARD OF APPEALS RECORDED IN DEED BOOK 10771 PAGE 4.
  - 3) LOTS 2 & 3 MAY REQUIRE A VARIANCE FOR FRONT YARD SETBACK COMPLIANCE.

Middlesex Registry of Deeds  
Southern District  
Cambridge, Massachusetts  
Plan No. 871  
Rec'd JUL 02 2015  
7:41 AM  
S. M.

PLANNING BOARD ENGAGEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REGULATIONS. APPROVAL UNDER SUBDIVISION CONTROL, LAW NOT REQUIRED.  
**ACTION PLANNING BOARD**

*Robert Burt*  
August 10, 2015

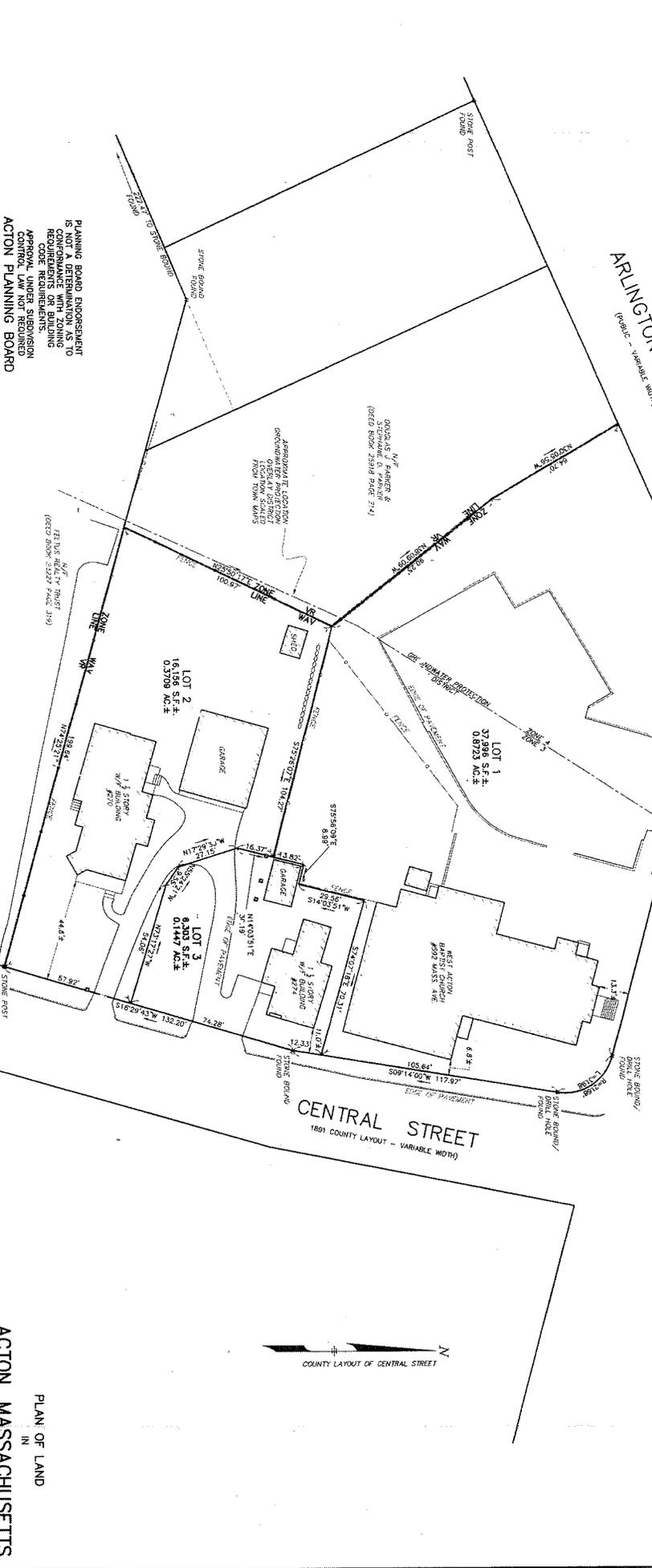
THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE REQUIREMENTS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 8/1/15  
REGISTERED PROFESSIONAL LAND SURVEYOR: *John Hall*



871 of 2015

**ACTION, MASSACHUSETTS**  
(MIDDLESEX COUNTY)  
FOR: WEST ACTON BAPTIST CHURCH  
SCALE: 1"=20' JULY 1, 2015  
RECORD AUGUST 7, 2015 (Copy True) (100)  
**STAMSKI AND MCNARY, INC.**  
1000 HALL STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING  
(3111.LANR.dwg) Central Street SA-3111



**RECORD OWNER**  
WEST ACTON BAPTIST CHURCH, INC.  
500 COMMONWEALTH AVENUE  
ACTON, MA

**REFERENCE**  
MIDDLESEX REGISTRY OF DEEDS  
SOUTH DISTRICT 491 PAGE 293  
DEED BOOK 11776 PAGE 331  
DEED BOOK 8858 PAGE 482

**ZONING DISTRICT**  
WEST ACTON VILLAGE  
GROUNDWATER PROTECTION OVERLAY  
DISTRICT - ZONES 3 & 4

**PROJECT LOCATION**  
507 CENTRAL STREET &  
502 MASSACHUSETTS  
TOWN MAP P.2A, PARCELS 100, 101, 118 & 119

**DEEDS**

79-101

Bx 8636 Pg 492

6  
1  
6

We, Donald Feltus, Eugene I. Hall, Harry Holt, H. Benjamin Smith, also known as H. B. Smith, and Edward Bailey, as Deacons of the West Acton Baptist Church,

DEC 20-55 AM 08:45 C05RE \*\*\*6.01

of Acton, Middlesex County, Massachusetts

~~to be~~ for consideration paid, grant to The West Acton Baptist Church, a corporation established under the laws of the Commonwealth of Massachusetts and having a principal place of business in said Acton,

~~XXXX~~

with warranty covenants

the land in that part of said Acton known as West Acton, with the buildings

(Description and encumbrances, if any)

thereon, bounded as follows: Easterly by Central Street; Northerly by Massachusetts Avenue; Westerly by land of one Stevenson; and Southerly by land formerly of Tasker and now of Flora Beach.

For our title see deed from Asa Wilbur to James M. Brown et al., Deacons of the Baptist Church in Acton dated September 5, 1846, recorded with Middlesex South District Deeds, Book 493, Page 128.

Also the land in the westerly part of said Acton, with the buildings thereon, bounded and described as follows: Beginning at a stake and stones at the Southwesterly corner of the premises on the old road leading from West Acton to Stow, and at land now or formerly of George Hager; thence running Northerly by said Hager land about forty-six (46) feet to a stone bound; thence Northerly by said Hager land about seventy-four (74) feet to the County road; thence S. 71° 17' E. one hundred forty-six and 3/4 (146 3/4) feet on said County road to the junction of said County and Stow Roads; thence S. 65° 46' W. on said Stow road one hundred and forty-nine and 1/4 (149 1/4) feet to the point of beginning. Containing about eighty-five hundred (8500) feet of land, more or less.

Being the same premises conveyed by Delette H. Hall to Anock Hall et al., Deacons of the Baptist Church in West Acton, dated November 12, 1881, recorded with said Deeds, Book 1590, Page 596.

~~EMERGENCY~~  
~~author~~

~~whereof the sum of \_\_\_\_\_ is the consideration~~

Witness our hands and seals this 20<sup>th</sup> day of December 19 55.

The consideration for this ..... Donald O Feltus  
conveyance is less than ..... Frederic S. Smith  
one hundred dollars. .... Ernest L. Ball

..... Edward R. Bailey  
..... W. R. Smith

Deacons of West Acton Baptist Church.

Commonwealth of Massachusetts

Middlesex, ss. December 20, 19 55.

Then personally appeared the above-named O. Donald Feltus

and acknowledged the foregoing instrument to be his free act and deed, ~~his own~~ and the free act and deed of said West Acton Baptist Church, before me,

..... Frank S. [Signature]  
Notary Public  
Justices of the Peace

My commission expires 17<sup>th</sup> 15 19 60

At a meeting of the parish of the West Acton Baptist Church, duly called, it was

Voted:

That the Deacons, <sup>O.</sup>Donald <sup>F.</sup>Feltus (list names) <sup>E.</sup>Eugene Hall <sup>H.</sup>Harry Holt  
<sup>H.</sup>H. Benjamin Smith <sup>E.</sup>Edward Bailey be authorized to sign, execute, and deliver a deed to all real estate now standing in their names to The West Acton Baptist Church, a Corporation.

The above motion was carried.

Minetta D. Lee

Clerk of the Parish.

Then personally appeared the above named Minetta D. Lee and made oath that the above is a true copy taken from the records of a meeting of the Parish held Dec. 14, 1955.

Harlow E. Tuttle

Notary Public.

My Comm. Expires March 2, 1956.



F 2A-100

APR 26-56 AM 10:00 CSERE \*\*\*5.00

5.00

We, George D. Stevenson and Clara E. Stevenson, husband and wife, formerly of Acton, Middlesex - - - - - County, Massachusetts, ~~being summoned~~ for consideration paid, grant to West Acton Baptist Church Inc. of said Acton

with quitclaim covenants

~~wherein~~ A certain parcel of land with the buildings thereon being shown ~~upon a plan entitled "Land in Acton, Surveyed for Addie L. Holt," dated June 15, 1939, made by Horace F. Tuttle, recorded with Middlesex South District Deeds in Book 6305, Page 268 bounded and described as follows:~~

on a plan entitled "Land in Acton, Surveyed for Addie L. Holt," dated June 15, 1939, made by Horace F. Tuttle, recorded with Middlesex South District Deeds in Book 6305, Page 268 bounded and described as follows:  
Beginning at the northeasterly corner of the premises at a stone bound at Mass. Avenue., formerly called Harvard Turnpike, and at land of the West Acton Baptist Church, thence running  
SOUTH 21° 45' WEST by said Church land ninety-two (92) feet to a stone bound; thence turning and running  
WESTERLY seventeen and 8/10 (17.8) feet to a stone bound; thence turning and running  
SOUTHWESTERLY by said Church land and land now or formerly of Tasker seventy-eight (78) feet to a stone bound at a stone wall; thence running  
WESTERLY along said stone wall by said Tasker land forty-seven and 5/10 (47.5) feet to a corner of a wall; thence turning and running  
NORTH 37° WEST along said wall by land formerly of Luke Blanchard ninety and 5/10 (90.5) feet to a point in the wall; thence  
NORTH 30° 30' WEST along said wall by said Blanchard land sixty-six and 5/10 (66.5) feet to a stone bound at Arlington St; thence turning and running  
NORTHEASTERLY on Arlington St. one hundred twelve and 3/10 (112.3) feet to a stone bound at said Mass. Ave.; thence turning and running  
SOUTHEASTERLY along said Mass. Ave. one hundred seven and 15/100 (107.15) feet to the point of beginning.

452  
493-1539

Containing 21,699 square feet more or less according to said plan. Being the same premises conveyed to us by Franklin H. Chanter et ux by deed dated November 3, 1953, recorded with said Deeds, Book 8165, Page 160. This conveyance is made subject to a mortgage to the Lexington Federal Savings & Loan Association dated November 3, 1953, recorded with Middlesex South District Deeds, Book 8165, Page 162, which the grantee assumes and agrees to pay and to real estate taxes assessed by the Town of Acton as of January 1, 1956.

~~Witness my hand and seal of my office and the seal of the State of Florida this~~

Witness our hands and seals this 11 day of April, 1956.

George D. Stevenson  
George D. Stevenson

Clara E. Stevenson  
Clara E. Stevenson

State of Florida  
~~The Commonwealth of Massachusetts~~

ss. April 11 1956

Then personally appeared the above named George D. Stevens on and acknowledged the foregoing instrument to be his free act and deed, before me:

W. P. McMillen  
Notary Public - ~~Massachusetts~~  
My commission expires                       
Notary Public, State of                       
My commission expires                       
bonded by                     

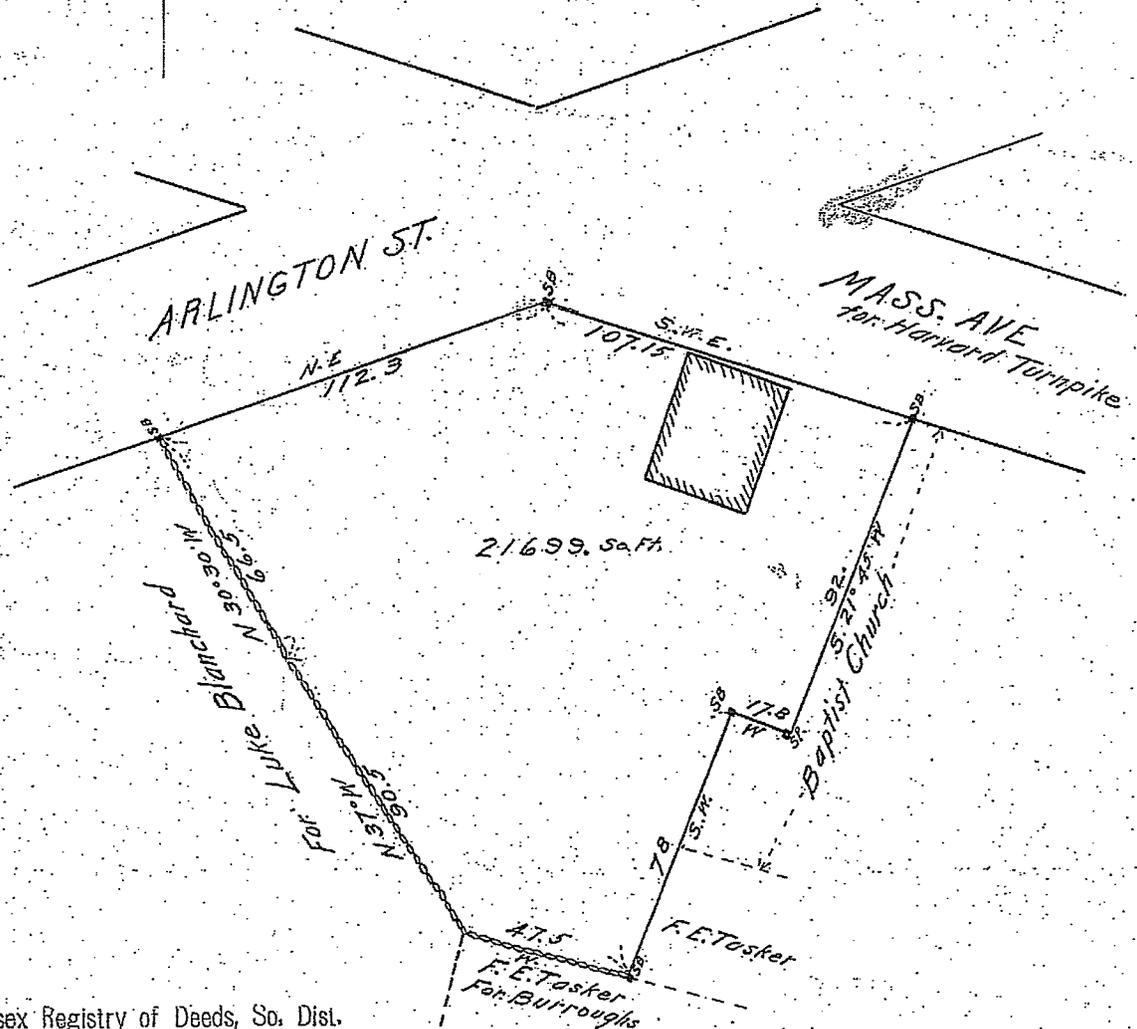


Land in Acton

Surveyed for  
Addie L. Holt  
By Horace F. Tuttle  
June 15, 1939

Scale 40 feet = 1 inch

North



Middlesex Registry of Deeds, So. Dist.  
CAMBRIDGE, MASS.

Plan Number 493 of 1939  
Rec'd. June 30 1939 at 3 h 15 m P.M.  
With map Doc. No. 304  
Addie L. Holt  
Cambridge National Bk.

Attest: Thomas B. Beighton REGISTER

MA 12-60 PU 0725 24RE \*\*\*0.00

118

BK11491 PG293

MASSACHUSETTS QUITCLAIM DEED LONG FORM (INDIVIDUAL) 882

SHIRLEY H. DEXTER, formerly known as Shirley H. Beach,  
of Lunenburg, Worcester County, Massachusetts and  
RALEIGH W. BEACH, of North Kingstown, Rhode Island,  
as joint tenants,

of County, Massachusetts,

quitclaim deed for consideration paid, grant to

WEST ACTON BAPTIST CHURCH, INC.

of Central Street  
Acton, Middlesex County

with quitclaim covenants

the land in

[Description and covenants, if any]

A certain tract or parcel of land, with the covenants thereon,  
situated in the westerly part of said Acton, and bounded and  
described as follows:

BEGINNING at the Northeastly corner of the premises on  
the road leading from West Acton to Stow, now called Central  
Street, and at land now or formerly of the heirs of Levi Barnard;  
thence running WESTLY by said heirs land, one hundred thirty-  
eight (138) feet to land formerly of Ellen M. Guilford; thence  
WESTLY by said Guilford land, following a curve in the wall,  
fifty-seven (57) feet, to land now or formerly of the heirs of  
Zabine C. Burroughs; thence SOUTHERLY by said heirs land,  
ninety-nine (99) feet and seven (7) inches to land formerly of  
O. J. Reed; thence EASTERLY by said Reed land, two hundred one  
(201) feet and two (2) inches to Central Street; thence SOUTHERLY  
by said Central Street, one hundred (100) feet and two (2) inches  
to the point of beginning.

ALSO a small piece of land situated in the westerly part of  
said Acton, containing about 285 square feet, more or less, bounded  
and described as follows:

BEGINNING at a stake and stones at the westerly corner of the  
premises and at land formerly of Luke H. Reed, land formerly of  
Guilford and land formerly of Tasker; thence running EASTLY by  
said Guilford land, about forty-seven (47) feet, to land of the  
West Acton Baptist Church; thence WESTLY and SOUTHERLY in a  
circular direction, as the wall now stands, by said Tasker land, to  
the point about twelve (12) feet from the first mentioned line;  
thence in a WESTLY and NORTHERLY course to the point of beginning.

For our title to said premises, see deed of Dorothy A. Murphy  
to us, dated November 10, 1965 and recorded with said Deeds in  
Book 10978 Page 434.

5/10/68  
1412-38  
5200

(Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

husband  
wife

release to said goods all rights of tenancy by the entirety and other interests therein  
dower and homestead

Witness my hand and seals this 25th day of March 1968

\_\_\_\_\_  
Shirley H. Dexter  
Shirley H. Dexter  
\_\_\_\_\_  
Philip W. Beach  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Commonwealth of Massachusetts

Middlesex, ss. March 25, 1968

Then personally appeared the above named

Shirley H. Dexter

and acknowledged the foregoing instrument to be her free act and deed, before me

*Dorothy A. Murphy*  
Notary Public - State of Mass.  
Dorothy A. Murphy April 9 1968  
My Commission Expires \_\_\_\_\_

Q7-  
18.25

FLA-116

1969 APR 11:43 142RE \*\*\*7.00

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 381 OF 1967

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

I, PATRICIA A. JOHNSTON,

of Acton, Middlesex County, Massachusetts,

being ~~unmarried~~, for consideration paid, grant to

WEST ACTON BAPTIST CHURCH, INC.,

of 606 Mass. Ave., Acton, Mass.

with quitclaim covenants  
the ~~land~~

[Description and encumbrances, if any]

A certain parcel of land, with the buildings thereon, situated in that part of Acton called West Acton, Middlesex County, Mass., containing about 3,506 square feet, bounded and described as follows:

BEGINNING at the Northeasterly corner of the premises on the road leading from West Acton to South Acton, now called Central Street, and land of the West Acton Baptist Church; thence Southerly by said Central Street, 44.6 feet, to a stone bound at land formerly of Burroughs; thence North 74° 15' West by said Burroughs land, 83 1/2 feet to the land of said Church; thence North 21° East by land of said Church, 41.2 feet, to a corner; thence South 75° 30' East by land of said Church, 79.8 feet, to the point of beginning.

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ALSO another certain parcel of land situated in that part of Acton called West Acton, containing 2,072 square feet, bounded and described as follows:

BEGINNING at the Southeasterly corner of the premises at a corner of land formerly of Tasker and Tasker, said corner being 83.5 feet Northwesterly from a stone bound on the line of Central Street; thence North 74° 30' West by land formerly of Tasker, 52.25 feet to a stone bound at the end of a wall at land formerly of Guilford; thence North 21° East by land formerly of Guilford, 38.75 feet, to a corner; thence South 77° 50' East by land of the West Acton Baptist Church, 52.6 feet to a corner; thence South 21° West by land formerly of said Tasker, 41.80 feet, to the point of beginning.

For my title to said premises see deed of Harry D. Hull to me, dated December 14, 1963 and recorded with said Deeds, Book 10415, Page 78.

Subject to a mortgage to the Waltham Federal Savings & Loan Association dated October 10, 1963 and recorded with said Deeds, 10379, Page 30, which the grantee assumes and agrees to pay.

husband  
\*\*\*\*\* and partner  
wife

release to said, granted all rights of tenancy by the curtesy  
dower and homestead

Witness my hand and seal this 18th day of August 1969

Patricia A. Johnston  
Patricia A. Johnston

MIDDLESEX SOUTH  
COUNTY

001254

COMMONWEALTH OF MASSACHUSETTS  
DEEDS EXCISE

PAID 18.25  
APR 9 '69  
RR. 10358

The Commonwealth of Massachusetts

Middlesex, ss.

August 18 1969

Then personally appeared the above named

PATRICIA A. JOHNSTON

and acknowledged the foregoing instrument to be her free act and deed, before me

Charles E. Orcutt, Jr.

My Commission Expires

Nov 8 1970





MASSACHUSETTS  
BOARD OF APPEALS

RECORDED & FILED

Nov 25, 1987

*Catherine Walker*  
Clerk

Hearing 87-40

52

DECISION ON THE PETITION OF WILLIAM R. STRAKER

A public hearing of the Acton Board of Appeals was held in the Teachers' Lunchroom of the Acton-Boxborough Regional High School, Hayward Road, Acton, MA on Monday, October 19, 1987 at 9:15 p.m. on the petition of William R. Straker, West Acton Baptist Church, 592 Massachusetts Avenue, Acton, MA for a Variance from the requirements of Section 5.3.1 of the Zoning Bylaw to allow the installation of a new church entrance and elevator enclosure which would be in violation of the setback regulations of the bylaw.

Members of the Board of Appeals present were Marilyn Peterson, Chairman; David Freese, Clerk; and Matt Mleziva, Member. Also present were Jerry McCarty, Acton Building Inspector, the petitioner, Reverend Cummings, pastor of the church, and several parishioners.

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

1. The church plans to construct an entrance on the Central Street side of the church. Adjacent to that entrance would be an elevator enclosure to be used by handicapped persons to gain access to the building and to the sanctuary on the second floor.
2. The proposed location of the entrance which is 20 feet from the property line on Mass. Avenue is in violation of the zoning bylaw which requires a 30 foot setback. Moving the entrance 30 foot from Mass. Avenue to conform to the zoning bylaw would disrupt the existing sanctuary. Any other location would be extremely costly and would necessitate the removal of a stained glass window that dates back to 1886.
3. There are a large number of elderly members of the church who use the Central Street entrance because it provides access without steps and enables them to be dropped off in the parking lot to the rear of the building.
4. The installation of an elevator to provide handicapped access to the church supports the State of Massachusetts program for upgrading public buildings.

Based upon the findings, the Board of Appeals concludes that:

1. The location of the church on the site limits the options available for providing safer and more accessible entry to the building. This situation is unique to this property and does not affect generally this zoning district.
2. A literal enforcement of the provisions of the bylaw would involve substantial hardship both historically, by requiring the removal of an antique stained glass window, and financial by increasing the cost of the project by 30-40%.
3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

MARGINAL INDEXED & FILED

BOOK 11726 PAGE 351

NOV 25 1987 01:12:15 346

Based upon the findings and conclusions outlined above, the Board of Appeals voted unanimously to grant the Variance to allow the installation of a new church entrance and elevator enclosure at the West Acton Baptist Church subject to the following conditions:

1. The installation will conform to the plans as outlined in drawings and as presented to the Board.
2. This decision speaks only to the Variance requested. Approvals from other town, state or governmental agencies or bodies having jurisdiction should not be assumed or implied.

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

ACTON BOARD OF APPEALS  
TOWN OF ACTON

  
Marilyn Peterson, Chairman

  
David Freeze, Clerk

  
Matt Mleziva, Member

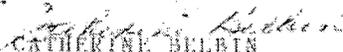
I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on November 25, 1987.

  
Justine Erkinen

DECEMBER 17, 1987

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT THE DECISION ON THE PETITION OF WILLIAM R. STRAKER (HEARING #37-40) WAS FILED WITH THE TOWN CLERK AND THE PLANNING BOARD ON NOVEMBER 25, 1987. THE TWENTY (20) DAY APPEAL PERIOD HAS EXPIRED AND THERE HAVE BEEN NO APPEALS MADE TO THIS OFFICE.

  
CATHERINE BELBIN  
ASSISTANT TOWN CLERK