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DECISION #15-14

DECISION OF THE PETITION OF VICTORIA MOHAR, 112 NONSET PATH

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, December 7, 2015 on the Petition of Victoria Mohar for a **SPECIAL PERMIT** under Section 3.8.1.2 of the Zoning Bylaw to allow two non-resident employees to work in her home based business located at 112 Nonset Path in Acton.

Present at the hearing were Jonathan Wagner, Chairman, Richard Fallon, Member, Adam Hoffman, Member. Also present: Roland Bartl, Planning Director, and Zoning Enforcement Officer, Robert Hummel, Assistant Town Planner, and Cheryl Frazier, Board of Appeals Secretary. The petitioner Victoria Mohar was also present.

Jonathan Wagner read the contents of the file and asked the petitioner to begin. The petitioner requested a Special Permit to allow two non-resident employees to work in her home based business. She has been in business for seventeen years total but has only worked out of her home for the last four years. When she moved to her current house, she got her DBA certificate for her current business. She brought two women on board as her employees who are non-residents. Jon Wagner asked what the business exactly entails. She explained that she works directly with architects as a consultant and focuses on furniture and design. Most of her work is done on a computer with AutoCAD. She keeps presentation boards, paint and furniture samples in her home. Her clients do not come to her house and she goes to their business or office. Her employees both work four days a week 9:00 to 5:30. Rick asked if she anticipates any changes in the near future and she replied that not at this time. Roland pointed out that the bylaw states that you can't have more than two employees at one time. Michael Saulnier, an abutter was in favor of her business and doesn't have a problem with the granting of a special permit.

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

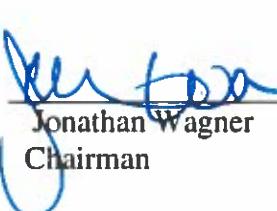
1. The Petitioner seeks a **Special Permit** to operate a design consultancy home business with no more than two (2) nonresident employees working at one time.
2. The proposed use complies with Section 3.8.1.2 of the Zoning Bylaws.
3. The proposed use is consistent with the Master Plan and is in harmony with the general purpose and intent of the Zoning Bylaws.
4. The proposed use otherwise complies with the applicable requirements of the Zoning Bylaws.
5. The proposed use is appropriate for the site and will not be detrimental or injurious to the neighborhood.

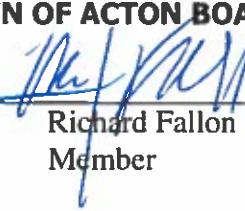
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **SPECIAL PERMIT** subject, however, to the following **conditions**:

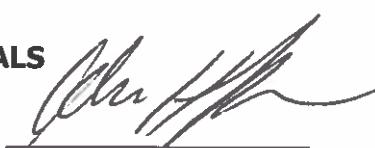
1. No more than two non-resident employees to be employed no more than five days per week between the hours of 9:00 am to 6:00 pm.
2. All employees to park their vehicles in property driveway.
3. That it is only granted to the applicant and current resident/owner of the premises, and that it shall not be transferable to any subsequent owner of the property.

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

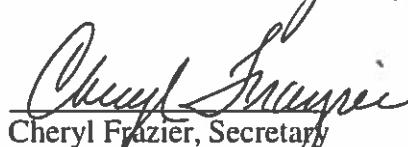
TOWN OF ACTON BOARD OF APPEALS


Jonathan Wagner
Chairman


Richard Fallon
Member


Adam Hoffman
Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on January 5, 2016.


Cheryl Frazier, Secretary
Board of Appeal

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 South 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.