



ACTON BOARD OF APPEALS

Minutes of Meeting

September 14, 2015

Acton Town Hall Room 126

Board of Appeal members attending: Jonathan Wagner, Richard Fallon, Suzanne Buckmelter. Also present: Kristen Guichard Assistant Town Planner and Cheryl Frazier Board of Appeals Secretary. Also present at the hearing were petitioner Daphne Flessas, DVM.

Jonathan Wagner called the meeting to order at 7:30 PM.

Citizens' Concerns

None

Consent Agenda- Draft Minutes – 7/6/15

The minutes of the July 6, 2015 meeting were approved.

Draft Decision - #15-11 – 429 Great Road

Jonathan Wagner moved to approve the draft decision for 429 Great Road Hearing #15-11 as drafted. The motion was seconded by Richard Fallon and approved unanimously.

Hearing - #97-14 - 363 Main Street –Amendment or Extension of a Special Permit

Jonathan Wagner led the discussion for the Special Permit Amendment request (Hearing #97-14) at 363 Main Street to allow for the change in ownership.. He said he was asked if the proposed amendment to a Special Permit needed a public hearing. He didn't feel that it did. Mr. Fallon stated that moving forward he would prefer all amendments be heard through a public hearing process. Ms. Buckmelter agreed. Mr. Wagner suggested the Board continue with this amendment without a public hearing but to proceed with public hearings for all amendments moving forward. The Board agreed.

The applicant Daphne Flessas, DVM petitioned the Board of Appeals for the transfer of a Special Permit given for the Veterinary Hospital located at 363 Main Street. The existing Special Permit requires any change in ownership be brought back to the Board. Ms. Flessas is under agreement to purchase the business and property from the current owner. The hospital will continue as it is now with no changes other than the ownership. Her plan is not to alter anything as far as signage and the resident that lives there will continue to live there. The business itself, including total business and residential area, will remain the same as it has been with Karen Geissert since she began the practice. Ms. Flessas noted that she had updated calculations from those originally derived by her husband and Mr. Bartl. Since the submission of the application, she obtained new information from the original engineer who designed

additions to the existing structure. The engineer confirmed that the residential portion remained in conformance with the original decision.

Given the new information provided, the Board determined the use was conforming.

Jon explained that the Planning Department drafted a decision for the Board's review and the reason for the Planning Department writing the draft was due to the hardship to the applicant due to the tight timeline for closing on the property. Ms. Flessas stated the closing for the property is on October 14th.

The Board reviewed the draft decision recommended by the Planning Department. Board members made modifications to the decision to coincide with the new calculations provide and the Board's determination that the property was conforming. In addition the Board decided to remove the following recommended sections:

Findings and Conclusions: Section 2.9

Conditions: Sections 3.1.1 and 3.1.2

Limitations (remove in its entirety): Sections 3.2.1; 3.2.2; 3.2.3 Ms. Guichard strongly recommended these sections remain as they are standard in Town issued zoning decisions which protect the Town's interest and make clear the applicant's responsibility. The Board disagreed and moved forward with the amendments. Jon made a motion to Grant and Amend Decision #97-14 for 363 Main Street to allow the new owner to operate the facility in accordance with the amended decision. The motion was seconded. Rick moved to sign the decision as approved.

Administrative matters:

Jon opened the discussion regarding the Planning Department's strong recommendation that the Board of Appeals decisions no longer be circulated among each other and signed outside of a public meeting. Rick Fallon said he agrees with Town Counsel, Nina Pickering Cook's email. Jon asked for the email to be forwarded to the rest of the Board. Jon confirmed that moving forward, they will hold a hearing, close the hearing and then render their decision either at the next scheduled hearing or hold a meeting earlier to review and sign the decision.

Rick Fallon announced he will be resigning from the Board on June 30th 2016.

Rick made a motion to close the meeting. Suzanne seconded the motion. The meeting was closed.