

Mark Donohoe, of Acton Survey and Engineering said part of the reason they stopped the site work after the last site plan approval, granted in 1999 and renewed and amended in early 2004 and since expired, was due to a neighbor dumping water on the site which caused extreme erosion. Mark recommended to Leo at that time, not to build or go forward with his building until that issue was resolved. It has now been resolved. Rich Fallon asked what the building would be used for. Mr. Nylen said it would be a principal use. The Site Plan with the Selectmen is on hold to await the outcome of the variance petition. The continued hearing will be held on December 19, 2011.

Marilyn asked Scott for comments. Scott Mutch, Zoning Enforcement Officer stated that Mr. Nylen explained it well. It's the only buildable part of the parcel and he thinks it's warranted. Mr. Nylen added that their intent was that the town had a guarantee when they went before the Conservation Commission that the wetlands would be protected. In the Site Plan they built the canoe landing for the town. Rich said the building is so far away it won't impact the canoe landing. The improvements would be in the purview of the Site Plan.

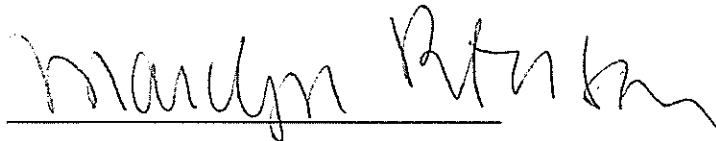
Marilyn moved to close Hearing # 11-14. The hearing was closed.

The Board feels the applicant has met the findings to grant the variances.

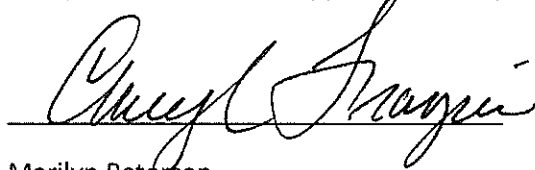
The Board voted unanimously **3-0** to **GRANT** the **VARIANCES**.

Marilyn to write decision.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marilyn Peterson", written over a horizontal line.

Cheryl Frazier, Board of Appeals Secretary

A handwritten signature in cursive script, appearing to read "Cheryl Frazier", written over a horizontal line.

Marilyn Peterson,
Acting Chair Board of Appeals