



## Acton Zoning Board of Appeal

### Minutes of Meeting

March 6, 2017

Acton Town Hall

Room 9

Zoning Board of Appeal members in attendance: Ken Kozik, Acting Chairman, Suzanne Buckmelter and Adam Hoffman.

Also in attendance: Kristen Guichard, Assistant Town Planner, Robert Hummel, Assistant Town Planner and Katelyn Huffman, Board of Appeals Secretary

Mr. Kozik opened the meeting at 7:30 PM

#### **Minutes**

The Board unanimously voted to approve the minutes of the February 9, 2017 meeting.

#### **Public Hearing # 16-09 – 122 Willow Street**

Mr. Kozik opened the public hearing at 7:35 PM. Nabil Meziani, the applicant described his proposed addition to the Board. He informed the Board that he had architectural renderings created and made the addition smaller at the Board's request.

Ms. Buckmelter asked how it looked in comparison to other homes in the area. She also inquired as to what kind of materials would be used for the siding of the proposed addition.

Mr. Meziani explained that all the homes were different in the neighborhood, but the two adjacent to his property were larger compared to his house. The house across the street was a ranch. He informed the Board that he would be using matching materials for the proposed addition.

Mr. Kozik expressed concern regarding the size of the expansion. He felt that the 63.5% increase was too large and would feel more comfortable with a smaller increase of size. He asked Mr. Meziani if he would be willing to sacrifice the proposed deck to get to a reduction in the percent increase to the size of the existing structure.

Mr. Meziani agreed that he could live without the deck.

Mr. Kozik and Mr. Hoffman both agreed that eliminating the deck would put them in favor of granting the Special Permit.

Ms. Buckmelter felt it was unnecessary to eliminate the deck.

Mr. Hoffman moved to close hearing #16-09 at 8:00PM.

Ms. Buckmelter seconded the motion.

The motion carried unanimously.

### **Mandatory Findings**

- The Board of Appeals found the application met all the mandatory findings under section 10.3.5 for a Special Permit.

### **Conditions**

- Must be in compliance with most recently submitted plans filed on March 6, 2017
- Must comply with all requirements stated in the Health Department Memo dated February 28, 2017.
- Prior to framing, the applicant shall submit a certified foundation as-built plan showing the required front and side setbacks.
- The applicant shall not build the proposed deck that is on shown on the March 6, 2017 plans

Mr. Kozik made a motion to approve Special Permit #16-09 with conditions.

Mr. Hoffman seconded the motion.

The motion carried unanimously.

Ms. Buckmelter agreed to write the decision.

### **Public Hearing # 17-02 – 165-167 Main Street – Use Special Permit**

Mr. Kozik opened hearing #17-02 at 8:08 PM. He introduced himself and the Board to the audience and explained the hearing process.

Joan Beers, Owner and applicant, gave a presentation on the history of the house and the people who rent out rooms. She informed the Board that the tenants rent for long and short periods of time.

Mr. Kozik asked if Ms. Beers planned to reside there.

Ms. Beers explained that her daughter, whom is an owner of both properties, resides in the other house on the property.

Mr. Kozik asked how many tenants Ms. Beers proposed to have.

Ms. Beers informed the Board that she would like the ability to board 20 tenants in 9 bedrooms.

Mr. Hoffman and Ms. Buckmelter inquired as to what would happen if one of the lots currently in common ownership was sold off or an owner passed away and they no longer owned the land in common.

Ms. Guichard explained that the boarding home use would no longer be legal and if it continued, would become a zoning enforcement issue.

Ms. Buckmelter felt there was not enough parking for the proposed use.

Ms. Guichard noted that there are no additional parking requirements in the Bylaw for this accessory use other than the typical single family parking requirements, similar to an at home business, but the Board could consider parking needs under the special permit.

Mr. Kozik opened the floor to public comment.

Debra Barrett, of 153 Main Street, expressed concern. She informed the Board that the property and its tenants are currently very loud, dirty, and disrespectful.

Lawrence Barrett, of 153 Main Street, informed the Board that the current tenants often trespass on his property and disregard his requests to stop the trespassing. He also echoed Ms. Barrett's concerns.

Mr. Kozik asked if a fence would be going up around the pool.

Ms. Beers agreed that a fence would be put around the pool.

Mr. Hoffman expressed concern with the lack of a management plan.

Mr. Hoffman made a motion to close hearing #17-02.

Ms. Buckmelter seconded the motion.

The motion carried unanimously.

Mr. Kozik highlighted that the Board and the public had three main concerns; parking, safety, and noise. The Board reviewed section 10.3.5 to see if the Special Permit would comply with the Mandatory Findings.

The Board reviewed the mandatory findings of section 10.3.5. The Board found the special permit request was consistent with the Master Plan, was in harmony with the purpose and intent of this Bylaw, is appropriate for the Site in question, but found that the proposal would be detrimental and injurious to the neighborhood in which it was to take place and therefore found it could not comply with all applicable requirements of section 10.3.5.5 of the Bylaw.

Mr. Kozik made a motion to deny Special Permit #17-02 due to the fact that it did not comply with Sections 10.3.5.3 and 10.3.5.5 of the Mandatory findings of the Zoning Bylaw.

Mr. Hoffman seconded the motion.

The motion carried unanimously.

Mr. Kozik agreed to write the decision denying the special permit.

### **Public Hearing # 17-03 – 929 Main Street**

Mr. Kozik opened the public hearing at 8:35 PM and introduced the Board to the audience.

Emillio Matarazzo, of EM & Sons, Inc introduced himself to the Board. He informed the Board that the applicant proposes to add a garage and small sunroom to her property. Her property is considered non-conforming due to lack of frontage and square footage that is required by the Zoning Bylaw. The proposed addition would exceed the allowed by-right allotment of 15%.

Ms. Buckmelter asked if the material would match the current structure.

Mr. Matarazzo informed the Board that it would.

Ms. Buckmelter made a motion to close Hearing #17-03.

Mr Hoffman seconded the motion.

The motion carried unanimously.

### **Mandatory Findings**

- The Board of Appeals found the application met all the mandatory findings under section 10.3.5 for a Special Permit.

### **Conditions**

- Must be in compliance with most recently submitted plans filed on March 6, 2017.
- Must be in compliance with the Engineering Department Memo dated January 17, 2017.

Mr. Kozik made a motion to grant Special Permit #17-03 with conditions.

Ms. Buckmelter seconded the motion.

The motion carried unanimously.

Mr. Hoffman agreed to write the decision granting the special permit.

### **Public Hearing #16-14 31-29 Martin Street – Comprehensive Permit**

Mr. Kozik opened the public hearing at 8:50 PM. He introduced the Board to the audience.

Mr. Bobrowski informed the Board that he was comfortable with the findings and conditions. He highlighted the different items that had been changed and agreed upon with the Planning Department and the applicant. Mr. Bobrowski explained that the applicant planned to limit the houses so no more than two could be next to each other, or across from each other. The applicant also added more house design options to give better diversity to the project.

Mr. Kozik had the Planning Department take note of the proposed verbiage change in section 4.2.1 of the draft findings and conditions noting that no more than two of the same homes could be built adjacent or across from one another.

Mr. Bobrowski indicated that pursuant to section 4.2.6 of the draft findings and conditions, the applicant would like to offer the full amount calculated by the Planning Department. He asked that \$2,871.42 be paid prior to the issuance of the certificate of occupancy for market rate homes.

The Board agreed with this change and directed the Planning Department to update the findings accordingly.

Mr. Gallagher informed the Board that he would no longer need the waiver for the Sign and would comply with the standards outlined in the Zoning Bylaw.

Nancy Tavernier, of the ACHC, indicated that she was not pleased with some of the houses having to back into each other's driveways in order to leave the premises.

Mr. Gallagher informed the Board that due to wetlands constraints, there was not much wiggle room regarding this issue.

Mr. Hummel informed the Board that pursuant to section 2.20 of the Draft Findings and Conditions, the Planning Department would prefer the Mandrake Duplex Housing Plans.

Mr. Gallagher agreed to this modification.

Mr. Bobrowski informed the Board that they would comply with the Planning Departments request for certain utilities to be inspected, sealed, and provided an as-built from a certified engineer as per section 4.2.29.

Mr. Kozik asked the Planning Department to update the extra correspondence in section 1.5 to reflect all recent comments and plan updates.

Mr. Kozik opened the floor to public comment.

Ms. Tavernier asked Mr. Gallagher to settle on the styles of the affordable units.

Mr. Gallagher agreed. He informed Nancy that there would be one 4 bedroom unit (in the Mandrake style), one 2 bedroom unit, and all the rest of the affordable housing units would be 3 bedroom units. He indicated that unit 7 will be the 4 bedroom unit and unit 9 will be a 3 bedroom unit in the duplexes.

Anne Forbes, of 25 Martin Street asked if a project notification letter had been filed for the Historic Houses.

Mr. Bobrowski informed Ms. Forbes that they would comply under section 4.2.2 of the Draft Findings and Conditions and that there would not be the issuance of a building permit until all pertinent criteria was met.

Mr. Kozik made a motion to continue Public Hearing #16-14 to March 27, 2017 at 7:45PM in Room 204.

Mr. Hoffman seconded the motion.

The vote carried unanimously.

Mr. Kozik made a motion to close the meeting at 9:35PM.

Ms. Buckmelter seconded the motion.

The meeting adjourned at 9:35PM.

Respectfully Submitted,

Katelyn Huffman

Zoning Board of Appeals Secretary