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## BOARD OF APPEALS

Hearing #25-2

### DECISION ON PETITION FOR A VARIANCE WITH RESPECT TO 29 Knox Trail

A public hearing of the Acton Board of Appeals was held via video/phone conference on Tuesday, September 2<sup>nd</sup>, 2025, at 7:05 PM on the petition of the Applicant, Owner, John Bleur, Squash West a VARIANCE under Section 10.5 of the Acton Zoning Bylaw for relief from Section 5, to construct an addition to existing legal non-conforming building that would house two new additional squash courts. The property is located on (Map/Parcel J4-7).

Present at the hearing were Adam Hoffman, Chairman, R Scott Robb, Member, David Schena, Member, and Nathaniel Ryan, Assistant Planner II. Also present was Edward Mullen, Building Commissioner and Zoning Enforcement Officer.

Mr. Hoffman opened the hearing, explained how the Board procedurally operates and explained that in making a determination for variance relief, the Board must make the mandatory findings found under Zoning Bylaw section 10.5.5.1 and 10.5.5.2, reproduced below for the convenience of the reader.

*10.5.5.1 That owing to circumstances relating to the soil conditions, shape, or topography of the LOT or STRUCTURES in question and especially affecting such LOT or STRUCTURES but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner.*

*10.5.5.2 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 this Bylaw. In deciding whether the requested variance nullifies or substantially derogates from the intent or purpose of this Bylaw, the Board of Appeals shall consider whether the granting of such variance is consistent with the Master Plan.*

Mr. Hoffman asked the Applicant to begin. The petitioner, John Bleuer, owner of Squash West, sought a variance to add a sixth squash court at 29 Knox Trail. He acquired the facility in November 2021, modernizing it over three years. The club features five singles courts and one doubles court, catering to 14 players at capacity. With significant growth, including an Acton-Boxborough high school team and roughly 75 Acton members, the business generates about \$300,000 annually and is profitable, nonetheless limited from hiring employees. Mr. Bleuer,

aged 68, serves as an unpaid general manager. The proposed "Hardball Doubles" court would enhance on-court capacity and potentially boost revenue by 20-25%.

The board chair, Adam Hoffman, requested Mr. Bleuer explain the variance criteria concerning hardship created by shape, topography, or soil conditions. Mr. Bleuer noted difficulties due to a slope to the Assabet River, a 100-foot conservation setback eliminating half the developable land of the property, and parking needs eradicating another third. The only expansion possibility in the back-corner conflicts with setback requirements. This physical constraint restricts hiring staff for safety management and future retirement.

Additional questions led by Board Members, Scott Robb and David Schena focused their questions to John Bleuer to better articulate his issues around topography. During the conclusion the Board acknowledged the property, bordering a residential Concord district with a 200-foot setback requirement, and distinguished its topography from other flat industrial properties.

After Mr. John Bleuer was done with his presentation and the Board viewed the map of the parcel of land, the Board asked for public comments. There were none.

With no further input, Mr. Robb made a motion to close the public hearing. Mr. Schena seconded the motion. The Board unanimously voted to close the hearing.

The Board finds that:

1. The Applicant seeks a variance from the side and rear yard setbacks, requesting a reduced setback of 5.5 feet from the Northeast side of the lot, and 3.5 feet from the Southeast side of the lot.
2. A literal enforcement of the Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner.
3. Relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.
4. The variance is consistent with the Master Plan.

The Board of Appeals, after reviewing the materials submitted with the Petition, together with the information developed at the hearing, voted unanimously to **APPROVE** the **VARIANCE** with the following conditions:

1. The variance shall be consistent with the dimensions as shown on the plans shown to the Board at the meeting of September 2, 2025.
2. A certified plot plan shall be endorsed by the Zoning Enforcement Officer prior to the issuance of a building permit.

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

**TOWN OF ACTON BOARD OF APPEALS**

*Adam Hoffman*

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Adam Hoffman, Chairman

David Schena

R. Scott Robb

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Adam Hoffman, Chairman

David Schena

R. Scott Robb

