



## Acton Zoning Board of Appeal

### Minutes of Meeting

January 9, 2017

Acton Town Hall

Room 126

Zoning Board of Appeal members in attendance: Jonathan Wagner, Chairman; Ken Kozik, and Adam Hoffman.

Also in attendance: Roland Bartl, Planning Director and Katelyn Huffman, Board of Appeals Secretary

Mr. Wagner opened the meeting at 7:30PM

### Minutes

The Board unanimously voted to approve the minutes of the December 8, 2016 meeting.

The Board unanimously voted to approve the Decision for Hearing #16-10, 2 Evergreen Road.

The Board unanimously voted to approve the Decision for Hearing #16-12, 11 Orchard Street.

### Public Hearing # 17-01 – 6 Tenney Circle

Mr. Wagner opened the public hearing at 7:35 PM. Hillery Dorner, the applicant described her home occupation, the number of non-resident employees, and a schedule of employees for on-site visits.

Mr. Kozik asked if it created a lot of traffic in the area. Ms. Dorner informed the board that it did not create excessive traffic and most, if not all parking was contained in her driveway.

Mr. Wagner asked how large the operation was inside the dwelling. Ms. Dorner explained that it was less than 500 square feet.

Mr. Wagner opened the floor to public comment.

Several Tenney Circle residents spoke in support of Ms. Dorner's petition. They stated that they appreciate the home occupation with employees as it means having a few extra people in the neighborhood to help keep an eye on things. They also mentioned that the employees did not disturb the neighborhood.

Mr. Bartl suggested that the Special Permit not be transferable to subsequent owners.

Mr. Kozik made a motion to close hearing #17-01 at 8:00 PM. Mr. Hoffman seconded the motion. The motion passed unanimously.

### **Deliberation**

- The Board found the application as requested meets ZBL sections 3.8.1 and 3.8.1.2, and the mandatory findings of 10.3.5. The Board moved to have Ken Kozik prepare a decision of approval with the following condition:
- No more than two non-resident employees shall be present on the premises at any one time.
- The permit shall not be transferrable to any subsequent owner.

### **Public Hearing # 16-12 – 62 Harris Street**

Mr. Wagner opened the hearing at 8:00 PM.

Stan Dillis, of Dillis and Ducharme Engineering, reintroduced himself and reviewed the newly submitted plans. He informed the board that the newly proposed house was pushed back 10 feet and it was shrunk from 3,195 square feet to 2,565 square feet.

The Board reestablished that the current dwelling was only 1,600 square feet and had not been occupied in the past 13 years.

The Board asked for Mr. Bartl's interpretation of the Zoning Bylaw Language for section 8.1.3 and 8.1.5.

Mr. Bartl explained that he saw replacement and reconstruction as meaning the same things, and that the proposed dwelling would comply with the sections cited in the bylaw.

Mr. Hoffman made a motion to close the hearing #16-11 at 8:25 PM.

Mr. Kozik seconded the motion.

The motion passed unanimously.

### **Deliberation**

- The Board found the application as requested meets of the requirements of ZBL sections 8.1.3 and 8.1.5 and the mandatory findings of 10.3.5. The Board moved to have Jonathan Wagner prepare a decision of approval with the following condition:

Must be in compliance with most recently submitted design plans from the January 9, 2017 meeting.

### **Administrative Updates**

The Board discussed the upcoming meeting schedule, and the Board members' availability.

Mr. Wagner moved to adjourn the meeting at 9:00PM.

The motion passed unanimously.

Respectfully Submitted,

Katelyn Huffman

Zoning Board of Appeals Secretary