



Revised - September 8, 2014 7:00 PM

HEARING #14-07

MINUTES OF THE HEARING ON THE PETITION FOR  
A SPECIAL PERMIT, 54 POPE ROAD

A public hearing of the Acton Board of Appeals will be held on Monday, September 8, 2014 in Acton Town Hall, Room 126 at 7:00 pm for a SPECIAL PERMIT under Section 8.1.3 and 8.1.5 of the Zoning Bylaw to demolish an existing home on a non-conforming lot and construct a new two-story home on a non-conforming lot and construct a new two-story home that would be larger in square footage than the home which currently exists. The structure is located at 54 Pope Road.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Member; Adam Hoffman, Alternate member; Scott Mutch, Zoning Enforcement Officer; and Cheryl Frazier, Board of Appeals Secretary. Also present at the hearing was Laurie Crockett, Architect; and interested parties.

**Absent: Suzanne Buckmelter, Francis Mastroianni, and Ken Kozik.**

Jonathan Wagner opened the hearing, read the contents of the file which included, the application, plans, public hearing notice, legal ad, third party billing authorization, an explanation of what they propose, three pictures of other properties in the neighborhood, a plot plan, a locus map, and floor plans. Also included in the file were Interdepartmental Communications from Evan Carloni, Board of Health, Engineering Department, and Scott Mutch, Zoning Enforcement Officer.

Jon Wagner opened the hearing and asked the petitioner to begin. Laurie said they are proposing to tear down the existing house because it is deteriorating. The goal is to provide a house that compliments the neighborhood. They will keep the same setback as there is now. They are proposing a Colonial 2 story that will keep it consistent with the neighborhood. The landscaping will be done by the owners of the property who have a landscape business. The new house will be less wide than the existing house. It is an expanded cape at the moment but will be the same height 26 feet as the house located next door at 50. They are increasing the FAR but maintaining all the setbacks. They have 23 on the sides and are proposing 46. They are hoping the board will consider it an asset to the town and to pope road. Jon Wagner said The setbacks are basically the same if not better. The only change is the FAR. The house is more compact than the existing house. The footprint is pretty much the same.

Scott wanted to clarify the new structure will be 24 feet height. The new one is 8 feet higher than the existing house. Adam asked if this is a complete raising. Laurie said yes it is.

Jon had a question for Scott. How Section 8.1.3., 8.1.4 and 8.1.5 related. Jon said if it doesn't conform with 8.1.3. Rich feels that it's very odd, replacement, reconstruction. Reconstruction is tearing down to construct another home. Adam believes raised versus reconstruction is different. Jon said he is correct and it arose in the past. Jon said the discussion that they had Scott said 8.1.3

Jon asked Scott his interpretation of the difference between 8.1.5 and 8.1.3 and Scott said the demolition. Jon asked if anyone had any other input. They are 2% over what is allowed.

Jon asked if there were any other comments from the audience.

Jon made a motion to close the hearing. The motion was so moved and the hearing was closed.

The Board began deliberation. Rich Fallon believes

1. 8.1.3 Replacement
2. 8.1.5 Alteration or change He believes the reconstruction goes back to 8.1.3. They use the term reconstruction. Rick thinks 8.1.5

Adam said he's not caught up on language and linkage he's more caught up on the square footing so is that going against the town's content of mcmansions. 3200 square feet is a pretty substantial home.

Rich said whether it should be allowed at all. It does say you can raise it if you keep the FAR

Jon Wagner asked for a motion to approve the application for a special permit. Rich seconded the motion. The motion was so moved.

The Board voted unanimously to APPROVE THE SPECIAL PERMIT with conditions

Compliance with existing plans

Stone wall to remain or be rebuilt as necessary

Existing trees on pope road to remain.

Rich Fallon voted to approve, Adam seconded.

For a review of the meeting documents for this meeting, please visit the digital link below:  
<http://doc.acton-ma.gov/dsweb/View/Collection-6438>



MINUTES OF THE HEARING ON THE PETITION FOR A  
SPECIAL PERMIT, 42 POPE ROAD

HEARING #14-08

A public hearing of the Acton Board of Appeals was held on Monday, September 8, 2014 at 7:30 pm in Room 126 of the Acton Town Hall for a SPECIAL PERMIT under Section 8.1.5 of the Zoning Bylaw to allow an addition to be built on a non-conforming lot which would increase the size of the structure by more than 15%. The property is located at 42 Pope Road. Map G-5/Parcel 5.

Present at the hearing was Jonathan Wagner, Chairman; Richard Fallon, Member; Adam Hoffman, Alternate member, Scott Mutch, Zoning Enforcement Officer; Cheryl Frazier, Board of Appeals Secretary; John Keramaris, Petitioner; and interested parties.

**Absent: Suzanne Buckmelter, Fran Mastroianni, and Ken Kozik.**

Jonathan Wagner opened the hearing, read the contents of the file which included, the application, a plot plan, a public hearing notice, a letter in support of his petition, floor plans, and the third party billing authorization. Also included in the file were Interdepartmental comments from Engineering, Board of Health, the Zoning Enforcement Officer, and an email from an interested party stating no objection to what is proposed.

Jon asked the petitioner to begin. Jon asked Scott for his comments. This is different because the existing house is remaining and this is truly an expansion of an existing and not a tear down and rebuild.

John Keramaris, began by saying he is in full support of 54 Pope Road also. He said he went to Manny Rempalakis, Architect and was told by Manny he could increase the home by 15% with no problem. When he went to Scott he was told under the new bylaw the garage would count in the FAR. He's here today to ask for an extra 8 feet ...It's a very modest request. It will be 1500 square foot house with not setback issues at all. He had a porch on the first plan but took it off.

The definition of a structure versus the definition

Adam asked if a carport would be counted in the FAR today. Scott said it would be.

Rick is asking about accessory buildings. If it's a non-conforming lot .

Scott said 8.1.4 is where you start but over 15% 8.1.5 kicks in. Because your expanding or increasing the structure you count the new garage is the 15%.

John Keramaris showed the picture of the existing home that was not in the file. He's bumping it out closer to the road and putting new set of stairs. Jon Wagner said he's expanding it to the right.

Jon asked is it accurate to say the 700 square foot is the garage. Scott said that is a good portion of it.

Adam said the other thing he was looking at John asked for public comment. Michael McGurl 33 Pope Road.

Jon and the board deliberated. Adam said he believes the whole garage thing is so tricky. He's inclined to give them the leeway. Rich Fallon believes the house would look better than it does now. He also believes it's more than the 15% but it's mostly garage. He like the decision to take into count that it states so much of the square footage is the garage. Adam noticed on the plan that the garage does not appear to be a two story garage. He's good with it. Jon said are they in agreement that it increases the non-conformity. Will it be more detrimental to the neighborhood. Jon believes as Rich that most of the space is the garage and it improves the structure.

Jon made a motion with a condition that most of the increased space is garage.

Jon made a motion to approve compliance with plans submitted and the approval is based on the representation that the garage space is included in the FAR determination and that most of the space that is beyond the 15% is because of the garage space and not living space.

Rick to write.

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