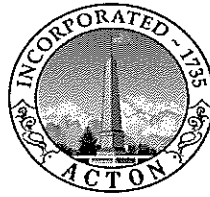


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TOWN CLERK, ACTON

**MINUTES OF THE HEARING ON THE PETITION  
FOR A SPECIAL PERMIT, 102 MAIN STREET**

**HEARING # 13-04**

A public hearing of the Acton Board of Appeals was held on **Monday, August 5, 2013** in Room 126 of Town Hall on the petition of David Getsick, for a **SPECIAL PERMIT** under **Section 8.1.5** of the Zoning By-law to allow construction of a secondary means of egress to a non-conforming structure on a non-conforming lot. The property is located at 102 Main Street, Map H2A/Parcel 72.

Present at the hearing were members, Ken Kozik, Chairman; Jonathan Wagner, Member; Richard Fallon, Clerk; Cheryl Frazier, Board of Appeals Secretary; and Scott Mutch, Zoning Enforcement Officer. Also present at the hearing was the petitioner, David Getsick.

Ken Kozik opened the hearing, read the contents of the file which included two memos one from Roland Bartl, Planning department and the other from the Engineering Department.

Ken asked the petitioner to begin.

The applicant David Getsick began by saying the house is a two family house built in the 1860's. It has a first floor apartment and also a second and third floor apartment. It is located in the South Acton Historical District. When he purchased the property about 20 years ago it conformed with all the standard building codes. Mr. Getsick's wife spoke with the Building Department about a year ago and found out that the building codes changed since they purchased the house so that now the second floor unit in the property needs a second egress. The second egress is a public safety issue. So they worked with the building department, discussed an alternative of using a window to bring a stairway down and across to the property, but they had mixed reviews back from the Historical District Commission. About 2 months ago he met with the Historical District Commission and they agreed upon a design to take a window out from the second floor dining room and bring a set of stairs down the side of the building which would give them the second egress they need. He submitted both to the Building Department and the Historical District Commission (HDC) for their approval. According to Mr. Getsick, the HDC approved of the plans, with conditions. The reason they are here before the Board tonight is because the house is on a non-conforming lot and it's a non-conforming structure built 5' feet from the street. The front setback required is 30' feet.

Ken asked Jon and Ken if they had any comment. They did not. He then asked Scott Mutch, Zoning Enforcement Officer what the town's view is from the Planning Department. Scott said they have no objections.

Ken asked if anyone in the audience had any questions or comments. An abutter from 101 Main Street, across the street said they were surprised that the HDC approved it on the side of the house and they were wondering why they couldn't put it on the back of the house. The petitioner said you can see it from the street on the back as well as the side of the yard. Due to the slope in the back and a roof on

the back of the structure, the best location was on the side. The abutter felt the placement just doesn't fit.

Rosemary Duffy of 105A Main Street was wondering if there was any chance to place the stairway on the inside of the structure. The answer was it could not.

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

The Board voted unanimously to **GRANT** the **SPECIAL PERMIT** to allow the construction of a secondary means of egress to a non-conforming structure on a non-conforming lot on 102 Main Street, subject to HDC approval and HDC conditions.

Ken Kozik to write.

Respectfully submitted,



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Kenneth F. Kozik  
Chairman, Board of Appeals



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Cheryl Frazier  
Secretary, Board of Appeals