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BOARD OF APPEALS

## BOARD OF APPEALS

Hearing # 09-03 and 09-04

DECISION ON THE REQUEST FOR  
AN EXTENSION OF TIME FOR THE  
COMPREHENSIVE PERMITS FOR  
93 CENTRAL STREET AND 113 CENTRAL STREET

The Acton Board of Appeals (the "Board") held duly noticed public hearings on July 8, 2013, and August 5, 2013, with regard to the request for an eighteen (18) month extension of time with regard to the Comprehensive Permit granted at 93 Central Street, and also the Comprehensive Permit granted at 113 Central Street.

Present at the hearings were Ken Kozik, Chairman; Jonathan Wagner, Board Member; Richard Fallon, Alternate; Scott Mutch, Zoning Enforcement Officer; and Kim Gorman, Planning Board Secretary (on July 8<sup>th</sup>), and Board Secretary Cheryl Frazier (on August 5<sup>th</sup>). Also present were Mr. James D'Agostine for the petitioner, and abutters at each meeting.

At the initial hearing, it was learned that notices of the request for extension had not been sent to all abutters. The Board considered that whether or not such notices were required, they would be a good idea; and the Board voted unanimously that such notices be sent out and that the meeting be continued to August 5, 2013.

At the hearing on August 5, 2013, the discussion was re-opened by Chairman Ken Kozik; he reminded everyone that the issue was not the merits of the Comprehensive Permits but whether there was "good cause" to grant an extension of the time for construction.

Mr. D'Agostine stated that in the past few years the real estate market was down and banks were not lending money; financial conditions were the reason that construction had not begun. The market has improved in the past months.

Chairman Kozik asked how long of an extension was requested; Mr. D'Agostine replied twelve to eighteen months. Scott Mutch, Zoning Enforcement Officer, stated that there was no objection to an extension from the Planning Board or other Boards. He was not aware of any Comprehensive Permit extensions in the last five years.

Board member Fallon asked exactly what was being extended, and Mr. Mutch replied that under the Decisions it was the time for when construction must "begin." Mr. Mutch stated that the Permit for 93 Central Street currently expired at the end of August, 2013, and the Permit for 113 Central Street expired at the end of October, 2013.


Abutters commented that 93 Central Street was an eyesore and that there was lack of maintenance and landscaping work there in the last few of years; Mr. D'Agostine agreed that they had "dropped the ball" on that. There was also concern with 113 Central Street. Several abutters wanted proof of hardship and unavailability of prior financing before an extension was granted.

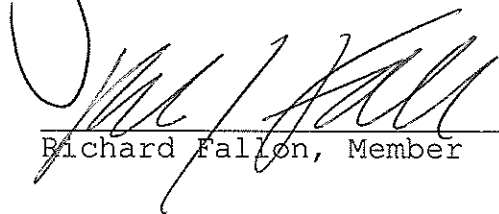
The hearing was closed. Board member Fallon moved to grant the extensions with conditions, and the Board voted 2 in favor, Chairman Kozik against, to **GRANT THE EXTENSIONS** for the Comprehensive Permits for both 93 Central Street and 113 Central Street, with the following conditions:

1. The extension granted is for ten (10) months from the current expiration date for each Permit.
2. Each Property shall be maintained appropriately, and consistent with neighboring occupied properties.
3. "Construction begins" for purpose of these extensions means when the building permit has been issued and excavation has begun.

ACTON BOARD OF APPEALS


  
Kenneth F. Kozik, Chairman

  
Jonathan Wagner, Member

  
Richard Fallon, Member

Dated:

I certify that copies of this decision have been  
filed with the Acton Town Clerk and Planning Board on  
~~August~~ 4 , 2013.  
Sept.

  
Cheryl Frazier, Secretary  
Board of Appeals