



**Minutes of Meeting
January 7, 2025
7:30PM
Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Scott Robb, David Schena (Associate), Michelle Holland (Associate)

Staff Present: Kristen Guichard, Planning Director & Nathaniel Ryan, Assistant Planner

Board Members Absent: Ken Kozik

Opening

(Acting Chair) Scott Robb opened the meeting at 7:30PM. He called the roll. David Schena-Aye, Michele Holland-Aye, Scott Robb-Aye

I. Regular Business

1. Approve previous meeting minutes:

Approval of draft minutes from previous meeting have been continued to the next hearing.

2. Administrative Updates: None

II. New/Special Business

1. ZBA24-04 – Public Hearing – 22 Oneida Road

Scott Robb opened the hearing at 7:35PM.

Applicant, Dr. Deborah Diamond, presented her application to the Board, seeking a special permit for a non-resident part-time admin to work at her at-home chiropractic business. The admin would be working 23 hours a week. The applicant has paved an additional lane to their driveway to accommodate the part-time admin, and to free up space for patients.

Scott Robb clarified the Board's purview, which is deciding on a non-resident employee, and not the validity of an at-home business, as that is allowed by-right in the Acton Zoning Bylaw.

David Schena asked about how many parking spaces are usually taken up at a given time. Dr. Diamond replied that there would be three for staff (2 for her and her husband, 1 for the admin) and three for patients to park behind.

Scott Robb asked what the schedule for the admin would be. Dr. Deborah replied that the morning slots would be 4 to 5 hours, and the afternoon slots would be 3 to 4 hours.

Resident Comments:

Mark Bishop of 39 Oneida Road, Jane Barwick of Neshoba Road, Barry Saranich of 15 Oneida, Cheryl Fulti of 20 Oneida, Douglas Deschenes, counsel for Cheryl Fulti, and Jim Murray of 2 Algonquin Road had concerns about parking on the street.

Kristen Guichard clarified that there is only a street parking ban from 1 AM to 6 AM during winter months. Dr. Diamond also clarified that having an admin does not impact the number of patients that are coming in.

Sophia Coleman of Indian Village, Jill Goldman-Callahan of 7 Spring Hill Road, Kate Bishop of 39 Oneida Road, Laura Beck, Lenny Urbano of 28 Oneida Road, and Merita Mullen of 56 Mohawk Drive all expressed support for the employment of a non-resident admin at the site.

Allen Bachrach of 19 Oneida Road, expressed had a question about ADA compliance at the home-occupation. Scott Robb said that is not applicable to this public hearing.

David Schena motioned to close the public hearing at 8:32 PM. Michele Holland seconded. Roll Call Vote: David Schena-Aye, Michele Holland-Aye, Scott Robb-Aye

Deliberations:

David Schena had no concerns. Scott Robb suggested approving with a suggestion that the applicant make use of her neighbor's offer for providing additional parking.

Scott Rob went through the findings. All members agreed the application is consistent with the Master Plan, is in harmony with the purpose of the by-law, will not be detrimental to the neighborhood, is appropriate for the site in question, and complies with the applicable requirements of the by-law, except for Michelle Holland, who believed it to be detrimental to the neighborhood.

David Schena motioned to approve ZBA24-04 at 8:40 PM. Michele Holland seconded. Roll Call Vote: David Schena-Aye, Scott Robb-Aye, Michele Holland-Nay

Motion denied, David Schena to write decision.

2. ZBA24-05 – Public Hearing – 124 Great Road

The hearing was opened at 8:42 PM.

Applicant, Ryan Rainville, summarized his proposal to demolish his existing concrete block garage, measuring 36' x 25' x 17' and replace it with a two-story 21' x 33' structure which will consist of a 20' x 20' single bay garage. The remaining area will be habitable,

with the remaining area on the first floor to be an office, and second floor area to be an accessory dwelling unit. The new structure would comply with the zoning setback regulations.

Scott Robb clarified for the Board that the percentage increase of 85.3% seemed high, but that it is just a result of the way the Zoning Bylaw defines Gross Floor Area. Nathaniel Ryan added that the 85.3% increase seems high because Gross Floor Area does not include existing garage spaces, and the actual perceptible increase in massing or floor area would amount to 34%.

Michele Holland asked Ryan Rainville what he proposes using the new structure for. Ryan Rainville responded that he would use it to accommodate his family and does not plan on renting out the accessory dwelling unit.

Ryan Rainville showed the Board pictures of comparable garages for reference.

Residents Comments: None

David Schena motioned at 9:00 PM to close the public hearing. Michele Holland seconded the motion. Roll Call Vote: David Schena-Aye, Scott Robb-Aye, Michele Holland-Aye

Deliberations:

Scott Rob went through the findings. All members agreed the application is consistent with the Master Plan, is in harmony with the purpose of the by-law, will not be detrimental to the neighborhood, is appropriate for the site in question, and complies with the applicable requirements of the by-law.

David Schena motioned at 9:03 PM to grant ZBA24-05. Michele Holland seconded the motion. Roll Call Vote: David Schena-Aye, Scott Robb-Aye, Michele Holland-Aye

Michele Holland to write the decision.

Michele Holland motioned at 9:18 PM to close the meeting. David Schena seconded the motion. Roll Call Vote: David Schena-Aye, Scott Robb-Aye, Michele Holland-Aye

01/07/2025 Meeting Materials:

01/07/2025 Agenda

DRAFT-12-3-24 – ZBA Minutes.docx

How to participate remotely

22 Oneida Road Materials as follows:

22 ONIEDA RD 300FT Abutters list.xls

Attachment for Board of Appeals.docx

Attachment_for_Plans_and_additional_Documents_Tue_Nov_19_2024_20_45_05 (1).docx

ZBA24-4 – Stamped Application.pdf

22 Oneida Legal Ad – Newspaper.docx

22 Oneida Legal Notice.docx

Christina and Joel Cough, dated January 7, 2025.docx

Douglas C Deschenes, Esq., dated January 7, 2025

22 Oneida – Engineering Comments

22 Oneida – Health Comments

24-2 – 22 Oneida Road – Planning Department Memo (FINAL).pdf

124 Great Road materials as follows:

124 GREAT RD 300 FT Abutters List.pdf

124_Great_rd_-_Section_8-1-5_Combined_Mon_Nov_25_2024_11-10-56.pdf

ZBA24-5 124 Great Road – Stamped Application.pdf

124 Great Road Legal Ad – Newpaper.docx

124 Great Road Legal Notice.docx

124 Great Road – Health Comments.pdf

24-5 – 124 Great Road – Planning Department Memo (FINAL).pdf