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**MINUTES OF THE HEARING FOR A SPECIAL PERMIT  
112 STOW STREET**

**HEARING #13-05**

A public hearing of the Acton Board of Appeals was held on Monday, October 7, 2013 on the petition of Evan and Kathryn Gilbert for a **SPECIAL PERMIT** under Section 8.1.3 and 8.1.5 of the Acton Zoning by-law to allow an exception to the FAR for the demolition and construction of a new single family dwelling. The property is located at 112 Stow Street, Map H2/Parcel 57.

Present at the hearing were Board Members, Ken Kozik, Chairman; Jonathan Wagner, Member; Richard Fallon, Member; Cheryl Frazier, Board of Appeals Secretary; and Scott Mutch, Zoning Enforcement Officer. Also present were petitioners Evan and Kathryn Gilbert along with their contractor and a few abutters and interested parties.

Ken Kozik opened the hearing and listed the contents of the file which included, the application with architectural plans, a site plan, locus map, an original building permit denial letter from Scott Mutch, Zoning Enforcement Officer, the public hearing notice, the legal ad, the abutters list, certified green cards, the Beacon Newspaper third party billing authorization, and an IDC from Scott Mutch with a summary of property and concerns.

Ken asked the petitioner why they are here tonight. Evan Gilbert, petitioner began by saying they applied for a building permit to demolish an existing home and rebuild a new one. The Zoning Enforcement Officer, Scott Mutch denied the permit due to the FAR (floor area ratio) in the basement square footage. They then revised the basement plans and were granted the permit to demolish the existing home and build a new one with a crawl space in the basement. They are here before the board tonight to seek a Special Permit to make it a full basement and increase the FAR another 100 -115 square feet. They are not looking to increase the footprint or the setback of the property but to just allow the change in the basement.

The original structure was 2134 square feet and they would like 2234 which is 100 square feet larger than the original structure. They are looking to add an additional 100 square feet to the FAR.

Ken asked the petitioner why they need the additional 100 square foot space. Kathryn Gilbert, wife of the petitioner said eliminating the crawl space would give them the option of having a laundry room in the basement, a playroom for their children and possibly a guest room for their parents when they visit.

Ken asked the public for comments.

Abutters of 116 Stow Street Patrick Hearn and his wife Francis are thrilled that the petitioners have torn down the existing house and are building a new house.

The board wanted to be sure that the plans they are approving are what have been submitted. They would like the Zoning Enforcement Officer to explain what plans they are actually approving. Scott said the plan that would be revised would be the basement. The crawl space would be eliminated and the grade would drop. That is the only change to the plans.

Ken asked for a motion to close Hearing #13-05. The motion was so moved and seconded by Rich Fallon.

After the board deliberated, Richard Fallon made a motion to approve the Special Permit eliminating the interior wall in the crawlspace as shown in basement plan #A1.0 and also eliminating the raised slab in that space and making it conforming with the rest of the basement with the total FAR now being approximately 2237 square feet.

The Board voted **UNANIMOUSLY** to **GRANT** the **SPECIAL PERMIT**.

Richard Fallon to write the decision.

Respectfully submitted,



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Kenneth F. Kozik  
Chairman, Board of Appeals

  
Cheryl Frazier,  
Secretary, Board of Appeals