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BOARD OF APPEALS

Hearing #25-06

DECISION ON PETITION TO GRANT A SPECIAL PERMIT WITH RESPECT TO 86 HAYWARD ROAD

A public hearing of the Acton Board of Appeals was held via video conference on Tuesday, November 4, 2025 at 7:00PM on the petition of 86 Hayward Road for a SPECIAL PERMIT under Section 8.2.3.2 of the Acton Zoning Bylaw to allow for a proposed rear deck addition to an existing single-family dwelling on a non-conforming lot.

The property is located at 86 Hayward Road, Map/Parcel F3-7, in a General Industrial (GI) and Groundwater Protection District Zone 4.

The existing property is classified as a nonconforming lot, because single family dwellings are not permitted in General Industrial (GI) zones. Thus, a rear deck addition would increase the non-conformity.

Board of Appeals attendees included: David Schema (member), Scott Robb (member), Adam Hoffman (Chairman).

Town of Acton staff present included: Ed Mullen (Zoning Enforcement Officer), John Mangiaratti (Town Manager).

A Memo was circulated to respective Town of Acton Departments for additional comments.

The Fire Department had no issues with the proposed rear deck addition.

No other departments submitted comments.

Applicable Bylaws:

8.2.3.2 In all other Districts, a nonconforming USE may be extended in area by special permit by the Board of Appeals.

10.3.5 Mandatory Findings by Special Permit Granting Authority – Except for a Site Plan Special Permit, the Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed USE:

10.3.5.1 Is consistent with the Master Plan.

10.3.5.2 Is in harmony with the purpose and intent of this Bylaw.

10.3.5.3 Will not be detrimental or injurious to the neighborhood in which it is to take place.

10.3.5.4 Is appropriate for the site in question.

10.3.5.5 Complies with all applicable requirements of this Bylaw.

Mr. Hoffman opened the hearing and explained how the Board procedurally operates. Mr. Hoffman then asked the petitioners to begin.

Christopher Agostino, counsel for the Haartz Corporation, represented the Applicant. He explained the Applicant's request to reconstruct a 34'4" x 8' deck, approximately 275 square feet, to replace one that was previously removed due to structural issues. Mr. Agostino also explained that some interior changes to the existing dwelling would take place, but the dwelling's exterior size would not be altered and its square footage would remain the same.

It was also determined, and confirmed by Acton Planning Division, that the proposed deck would comply with all side, rear, and front yard setbacks.

Chairman Hoffman asked if there were any additional public comments. There were none.

With no further input, Mr. Robb made a motion to close the public hearing. Mr. Schena seconded the motion. The Board unanimously (3-0) voted to close the hearing.

The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the hearing, finds that:

1. Applicant seeks a SPECIAL PERMIT under Section 8.2.3.2 of the Acton Zoning Bylaw to allow for a rear deck to an existing single-family residential dwelling. The property is located at 86 Hayward Road, Map/Parcels F3-7, in a General Industrial (GI) and Groundwater Protection District Zone 4.
2. Under Acton Zoning Bylaw 8.2.3.2, Applicants' proposed construction is considered a nonconforming use and may be extended in area by special permit from the Board of Appeals.
3. Under Acton Zoning Bylaw 10.3.5.1, Applicants' proposed construction is consistent

with the Master Plan.

4. Under Acton Zoning Bylaw 10.3.5.2, Applicants' proposed construction is in harmony with the purpose and intent of the Acton Zoning Bylaw.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously (3-0) to **GRANT** the **SPECIAL PERMIT** with the following conditions:

1. The proposed construction shall be completed as substantially presented during the November 4, 2025 hearing.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON BOARD OF APPEALS

Adam Hoffman
Chairman



Scott Robb
Member

David Schena
Member

with the Master Plan.

4. Under Acton Zoning Bylaw 10.3.5.2, Applicants' proposed construction is in harmony with the purpose and intent of the Acton Zoning Bylaw.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously (3-0) to **GRANT** the **SPECIAL PERMIT** with the following conditions:

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Adam Hoffman
Chairman

Scott Robb
Member

David Schena
Member