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## BOARD OF APPEALS

Hearing #16-08

### DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT WITH RESPECT TO 16 MAPLE STREET

A public hearing of the Acton Board of Appeals was held on Monday, October 3, 2016, at 7:30 PM in the Acton Town Hall on the petition of Ian Moore, for a **SPECIAL PERMIT** under Section 8.1.5 of the Acton Zoning Bylaw to construct an addition to an existing non-conforming structure on a non-conforming lot. The property is located at 16 Maple Street (Map H2A/26).

Present at the hearing were Jonathan Wagner, Chairman, Ken Kozik, Member and Susan Buckmelter, Alternate Member. Staff present included Kristen Guichard, Assistant Town Planner, and Katelyn Huffman, Board of Appeals Secretary. Also present was Ian Moore, the builder representing the applicants, Sean and Christine Hanley.

Mr. Wagner opened the hearing at 7:35 PM, read the contents of the file and asked the petitioner to begin. Mr. Ian Moore introduced himself to the Board as being the builder for the proposed project. The project involves a construction of an addition on a nonconforming lot in excess of 15% (See Zoning Bylaw Section 8.1.5). More specifically, Mr Moore was looking to add a sunroom to the back of the applicant's house, resulting in an expansion of 25%.

Mr. Kozik asked what size the sunroom would be. Mr. Moore informed him that it would be approximately 20 feet x 20 feet. Mr. Kozik asked about the look of the other houses in the neighborhood. Mr. Moore informed them that they were all similar in look and style and referred to the pictures in the application.

With no further input, Mr. Kozik then made a motion to close the public hearing. Ms. Buckmelter seconded the motion. The Board unanimously 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. The Petitioner seeks a **SPECIAL PERMIT** under Section 8.1.5 of the Acton Zoning Bylaw to construct an expansion to an existing non-conforming structure on a non-conforming lot. The subject property is located at 16 Maple Street.

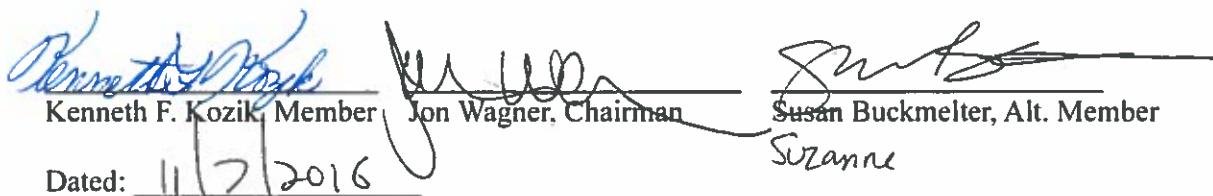
2. The existing building is nonconforming because it does not comply with present lot area and frontage requirements specified in the Acton Bylaws.
3. The proposed expansion is consistent with the Master Plan and is in harmony with the purpose and intent of the Bylaw.
4. The proposed expansion is appropriate for the site and will not be more detrimental or injurious to the neighborhood than the existing nonconforming structure.

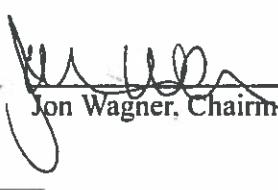
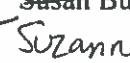
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT the SPECIAL PERMIT** subject to the following condition:

1. The expansion is to be erected substantially as shown in the plans filed on July 22, 2016, and the final building substantially conform to the site plan – 16015 drawing, June 22, 2016.

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**



 Kenneth F. Kozik, Member  Jon Wagner, Chairman  Susan Buckmelter, Alt. Member  
Dated: 11/7/2016 

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on \_\_\_\_\_, 2016.

 Katelyn Huffman, Secretary

**EFFECTIVE DATE OF SPECIAL PERMIT:** No Special Permit, or modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, it has been dismissed or denied.

**EXPIRATION DATE OF SPECIAL PERMIT:** This Special Permit must be exercised within two (2) years of its effective date.