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TOWN CLERK, ACTON

BOARD OF APPEALS

Hearing #12-04

DECISION ON PETITION FOR GRANT OF SPECIAL WITH RESPECT TO 154 WILLOW STREET, MAP G-1/PARCEL 308-1

A public hearing of the Acton Board of Appeals was held on Monday, December 3, 2012 at 7:30 PM in Room 126 of the Acton Town Hall on the petition of Keith Henderlong, for a **SPECIAL PERMIT** under Section 8.1.5, 8.3.2, and 8.3.3 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 154 Willow Street, Map G-1/Parcel 308-1.

Present at the hearing were Kenneth Kozik, Chairman; Marilyn Peterson, Member; Jonathan Wagner, Member; Cheryl Frazier, Board of Appeals Secretary and Scott Mutch, Zoning Enforcement Officer. Also present at the hearing were petitioner Keith Henderlong and David Olden, an abutter.

Chairman Kozik opened the hearing, read the contents of the file which included an IDC from the Engineering Department dated October 31, 2012, and plans for the project. Chairman Kozik asked the petitioner to begin.

Keith Henderlong told the Board that he was seeking a Special Permit to put an addition on his existing house to include a 3-car garage on the lower level and a master bedroom/office/ laundry on the upper level. The property is located in an R-4 zone. ZEO Mutch stated that the lot is non-conforming and the structure is nonconforming with regards to the front setback. He explained that an R-4 zone has a 45' foot front setback and the current house is less than that, at approximately 40' feet which makes the structure non-conforming as well as the lot.

Chairman Kozik asked the petitioner how large his current house is and how many square feet he's proposing to add. The petitioner said the house is currently 1,500 square feet and he's proposing a 1,728 square foot addition. Chairman Kozik asked the petitioner if the current structure meets all other setback requirements. The petitioner responded that the setback for the proposed addition will match the non-conformity that now exists and will not be any more non-conforming. Scott added that the addition is in line with the existing home. There is an existing landing with a roof that's being closed in to protect the entryway.

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

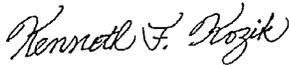
1. The Petitioner seeks a SPECIAL PERMIT under Section 8.1.5, 8.3.2, and 8.3.3 of the Acton Zoning Bylaw to construct an addition to an existing non-conforming structure on a non-conforming lot. The subject property is located at 154 Willow Street, Map G-1/Parcel 308-1.
2. The existing building is nonconforming because it does not comply with present minimum front setback requirements specified in the Acton Bylaws.
3. The proposed addition will not increase the non-conformity of the structure and otherwise complies with the applicable requirements of the Zoning Bylaw.
4. The proposed addition is consistent with the Master Plan.
5. The proposed additional is in harmony with the purpose and intent of the Bylaw.
6. The proposed addition 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:

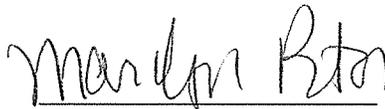
1. The addition is to be erected substantially as shown in the plans submitted with the application, including the enclosure of the front entryway steps.

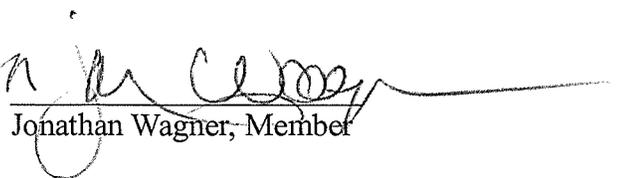
Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON BOARD OF APPEALS



Kenneth Kozik, Chair


Marilyn Peterson, Member


Jonathan Wagner, Member

Dated: 1/14/13

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on 1/14/13, 2013.


Cheryl Frazier, Secretary
Board of Appeals

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.