

## BOARD OF APPEALS

Hearing # 13-05

### DECISION ON THE PETITION OF EVAN AND KATHRYN GILBERT FOR A SPECIAL PERMIT AT 112 STOW STREET

The Acton Board of Appeals (the "Board") held a duly noticed public hearing on October 7, 2013, with regard to the Petition of Evan and Kathryn Gilbert for a **Special Permit** under Sections 8.1.3 and 8.1.5 of the Zoning By-law to allow an exception to the Floor Area Ratio ("FAR") requirement for the reconstruction of a new single family dwelling. The property is located at 112 Stow Street. Map H-2/Parcel 57.

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

Chairman Kozik opened the meeting, listed the contents of the file, and asked the petitioners to describe their request. Petitioner Evan Gilbert stated that their original application for a building permit was denied due to a FAR that was too large. They revised the basement plans to include a crawl space (an area with a raised slab) in the basement which did not count towards the FAR, and thus made the plans conform to the ratio. Their request for a Special Permit is to make that crawl space full height, increasing the "FAR applicable" area about 100 square feet. The original structure had 2134 square feet FAR applicable, they are requesting a Special Permit for 2234 square feet.

Chairman Kozik asked why they needed the additional 100 square feet; petitioner Kathryn Gilbert said eliminating the crawl space would give them the option of a laundry room, or playroom, or possibly a guest room.

Abutters Patrick and Frances Hearn at 116 Stow Street were delighted that the old house had been torn down and a new house was being constructed.

The Zoning Enforcement Officer was asked to explain what plans would be approved if the permit were allowed, and Mr. Mutch said that the plan that would be revised would be only the basement. The crawl space/raised slab would be eliminated and the grade would be the same as the rest of the basement.

After the hearing was closed, Board member Fallon moved 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 the "crawl space," making it conforming with the rest of the basement, with the total FAR applicable square footage now being approximately 2237 square feet.

The Board voted unanimously, 3-0, to GRANT the SPECIAL PERMIT as moved.

**ACTON BOARD OF APPEALS**

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Kenneth F. Kozik, Chairman

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Jonathan Wagner, Member

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Richard Fallon, Member

Dated:

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

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Cheryl Frazier, Secretary  
Board of Appeals

