



**Zoning Enforcement Officer**

**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
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December 31, 2013

Mr. Adam Hoffman  
70 Maple Street  
Acton, MA 01720

Re: Demolish Existing Kitchen, Bathroom & Deck and Construct New Addition in Excess of 15% of Gross Floor Area (FAR) Attached to Rear of Existing Single Family Residential Dwelling Situated on a Nonconforming Lot  
70 Maple Street, Acton, MA 01720

Dear Mr. Hoffman,

The Planning Department has reviewed your submitted building permit application and CAN NOT approve it at this time. As you notated on your application, the pending building permit is seeking approval for the "Demolition of Existing Kitchen, Bathroom & Deck and Construction of New Addition to Rear of Existing Dwelling & Replace Entire Existing Roof Structure".

As you may or may not be aware of, the subject property is located within an R-2 (Residence 2) zoning district. Property located within this zoning district typically requires a minimum of 150'-0" of lot frontage and a minimum of 20,000 square feet of lot area. Unfortunately, the subject property does not comply with either the minimum lot frontage or minimum lot area requirements. The subject property in question currently has 94.6' of lot frontage and 18,910 square feet of lot area. There are multiple pieces of property with similar circumstances located throughout town. These types of properties (70 Maple Street included) are known as and referred to as "Nonconforming Lots". Section 8 of the Town of Acton's Zoning Bylaw governs Nonconforming properties. More specifically, the following subsection of the Bylaw is applicable in this instance when beginning the building permit review process:

*8.1.4 Extensions, alterations or changes of Single- and Two-Family Dwellings on Nonconforming Lots – One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15 percent of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that LOT became nonconforming, whichever is later.*

In order to permit any "extension, alteration or change" administratively as of right, the overall maximum permitted size of said proposal could not exceed 15% of the existing Gross Floor Area of the dwelling. However, as previously noted, the building permit currently submitted seeks approval to demolish and

reconstruct a portion of the existing dwelling in excess of the 15% maximum permitted. Due to the fact that the size of the proposal exceeds the maximum size permitted, I CAN NOT approve the building permit as currently submitted.

Therefore, should you wish to continue to pursue the submitted building permit application, there are two options available to you. The options are as follows and you may select either one:

Option 1 – Section 8.1.5 of the Zoning Bylaw becomes applicable and it states the following:

*8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.*

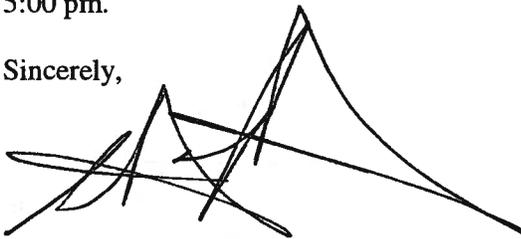
This option presumes that the application submitted to the Zoning Board of Appeals would look identical in nature to the building permit currently submitted to the Town for review. Should the Zoning Board of Appeals approve such a Special Permit for the larger overall footprint and square footage, then you would be permitted to continue to move forward with the building permit application.

Zoning Board of Appeals applications for Special Permits may be obtained by contacting Cheryl Frazier, Secretary for the Zoning Board of Appeals, at (978) 929-6443 or [cfrazier@acton-ma.gov](mailto:cfrazier@acton-ma.gov) during regular business hours.

Option 2 – You may modify the submitted building permit drawings to reduce the overall size of the proposed deck structure to comply with the maximum permitted dimensional requirements and then resubmit the plans for further staff review.

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except holidays) between the hours of 8:00 am and 5:00 pm.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott A. Mutch', with a large, stylized flourish extending to the right.

Scott A. Mutch  
Zoning Enforcement Officer & Assistant Town Planner