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**MINUTES OF THE HEARING ON THE PETITION FOR
14-02**

HEARING #

A SPECIAL PERMIT, 70 MAPLE STREET

A public hearing of the Acton Board of Appeals was held on Monday, February 3, 2014 at 8:30 pm, in room 126 of the Acton Town Hall on the petition of Adam Hoffman for a SPECIAL PERMIT under Section 8.1.5 of the Zoning by-law to allow the construction of an addition in excess of 15% to rear of the existing dwelling located at 70 Maple Street. Map H2A-16 & H2A-41-1.

Present at the hearing were Board Members Ken Kozik, Chairman; Richard Fallon, Member; Suzanne Buckmelter, Alternate; Scott Mutch, Zoning Enforcement Officer; Cheryl Frazier, Secretary; and the petitioner Adam Hoffman. Also present at the hearing was the abutter to the property, Karen Sonner.

Ken opened the hearing, read the contents of the file which included, the public hearing notice, the legal ad, the third party billing authorization, the application, a plot plan, the location map, a letter from the Zoning Enforcement Officer, a conflict of interest disclosure document, three photos of the house on the property, architectural plans of what's being proposed, an abutters list with green card return receipts, a memo from the planning department and an email from the Frank Ramsbottom.

Ken noted for the record that Adam Hoffman is a member of the Acton Board of Appeals.

Ken asked the petitioner to begin. Adam Hoffman, petitioner explained that on November 2012 a house came on the market at 70 Maple Street in Acton. It's a neighborhood with similar older homes vacant and unoccupied and this was one of them and it was about to go into foreclosure. So he and his wife purchased the house which is three bedrooms and one bath. They are longtime residents and would like to downsize eventually and live there. When they finally got things together, they hired an Architect and found out the lot is non-conforming. They didn't know that when they purchased it. As a result they found out that the addition on the back, which is existing, was put on around the 80's and doesn't fit with the rest of the traditional structure and is unusable. The next thing they did was to clean it out and secure it so they put all new windows in and a new roof. The reason they are here is because they were notified of the non-conformity and they are asking the Board permission to move forward with the construction to allow them to protect the home.

Ken said the proposed addition would be ok as a matter of right if it didn't exceed the 15 % of the gross floor area, but it does exceed that so what he needs from the Board is a Special Permit under Section 8.1.5. Ken asked Adam Hoffman, since he's proposing almost double what's allowed, if Adam believes increasing it 28.5% makes it anymore non-conforming. Adam believes it is still non-conforming. Ken asked Adam in his opinion does he think going up 28.5%

is more detrimental to the neighborhood. Adam said he doesn't think it is. He added, the garage is staying as is and nothing is changing on the front or side of the house.

Ken asked if anyone present had any questions or concerns. Karen Sonner neighbor and abutter to the property at 76 Maple Street said she is thrilled with what they are going to do.

The Board moved to close the hearing.

The Board voted **UNANIMOUSLY** to **GRANT** the **SPECIAL PERMIT** with the following conditions:

- 1. The proposed modifications are substantially in accordance with the plans submitted for 70 Maple Street.**

Rick Fallon to write the decision.

Respectfully submitted,



Kenneth F. Kozik
Chairman, Board of Appeals



Cheryl Frazier
Secretary, Board of Appeals