

BOARD OF APPEALS

Hearing # 15-02

DECISION ON THE PETITION OF MARK ENNEGUESS FOR A SPECIAL PERMIT TO INCREASE THE SIZE OF A RESIDENCE AT 626 MASSACHUSETTS AVENUE BY MORE THAN 15 PERCENT

The Acton Board of Appeals (the "Board") held a duly noticed public hearing on January 5, 2015, with regard to the Petition of Mark Enneguess for a **Special Permit** under Section 8.1.5 of the Zoning By-Law to allow an addition to be built on a home on a nonconforming lot at 626 Massachusetts Avenue which would increase the size of the structure by more than 15%. Map F2A/Parcel 73.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Board Member; Adam Hoffman, Alternate Member; Scott Mutch, Zoning Enforcement Officer; Board Secretary Cheryl Frazier; petitioner Mark Enneguess, and interested parties.

Chairman Wagner opened the meeting, and read the contents of the file into the record. The petitioner is requesting a special permit under Section 8.1.5 of the Zoning By-law in order to demolish and reconstruct a breezeway and garage section of a existing single family home on a nonconforming lot. The lot is nonconforming due to insufficient frontage and lot area. This proposed extension will increase the size of the structure by more than 15%, therefore triggering the need for a special permit.

The proposed work is necessary due to a failing foundation, which presents significant safety issues. The size of the rebuilt structure will be three feet wider than the existing garage, in order to accommodate

the size of present day automobiles, and will also be four feet deeper than the present structure. The proposed rebuilt structure will comply with all setback requirements, and will be the same height as currently exists and have the same roofline. An existing deck and screened porch at the rear of the dwelling will be taken down and not replaced. Vinyl siding on the rebuilt area will match the existing aluminum siding on the existing dwelling. Windows will be slightly changed: plans show a single window on the front breezeway and a double window in the back. Stairs are planned to exit the back of breezeway and are not shown on the plans.

The Board makes the mandatory findings under Section 10.3.5 of the Zoning By-law for a special permit concerning the proposed use. The Board also specifically finds that while the proposed modification does increase the nonconformity because it extends the building along the nonconforming frontage, this modification will not be substantially more detrimental to the neighborhood than the existing structure. Indeed, because of the safety issues of the foundation, it is an improvement.

The Board votes unanimously to **GRANT** the **SPECIAL PERMIT** for hearing #15-02 for 626 Massachusetts Avenue for the proposed addition with the following conditions:

1. The proposed addition shall be consistent with the plans submitted, noting that the correct depth of the proposed addition is 26'6", and the addition shall be consistent in height and style with the existing structure and sided with vinyl siding;

2. The proposed stairs located on the rear of the building, not shown in current plans, shall be constructed in compliance with all applicable laws and subject to the Zoning Enforcement Officer's approval.

ACTON BOARD OF APPEALS

Jonathan Wagner, Chairman

Richard Fallon, Board Member

Adam Hoffman, Alternate

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on January , 2015.

Cheryl Frazier, Secretary
Board of Appeals