



**MINUTES OF THE HEARING ON THE PETITION  
FOR A SPECIAL PERMIT, 11 BERRY LANE**

**Hearing # 15-04**

A public hearing of the Acton Board of Appeals was held on Thursday, February 12, 2015 (originally scheduled for February 2, 2015 but was rescheduled due to blizzard) at 7:15 pm in Room 126 of the Acton Town Hall on the petition of Anita Rogers on behalf of property owner Peter Moorman for a SPECIAL PERMIT under Section 8.1.5 to allow for the construction of a 26' x 26' two car garage addition on a non-conforming lot that will enlarge the existing structure by more than 15%. The property is located at 11 Berry Lane, Map G4/Parcel 164.

Present at the hearing was Jonathan Wagner, Chairperson; Richard Fallon, Member; Fran Mastroianni, Alternate Member; Scott Mutch, Zoning Enforcement Officer; Cheryl Frazier, Secretary; Anita Rogers, Architect and petitioner and Peter Moorman, property owner.

Jon Wagner opened the hearing, and read the contents of the file into the record which included the following: a CD, application, abutters list, certified mailing green cards, public hearing notice, legal ad, third party billing authorization, three pages of the Zoning Bylaw, architectural plans, two plot plans, interoffice memos from the Zoning Enforcement Officer, Engineering Department, and Health Department.

Jon asked the petitioner to begin.

Anita Rogers, Architect for owners, Lisa and Peter Moorman began by stating the homeowners are away on vacation so she is here tonight on their behalf. She said the owners would like to take the existing garage and convert it into living space and add a new garage. The new garage proposed will be 24 x 24 feet. Anita submitted a signed letter of support from abutting Berry Lane residents stating they had no objections to the addition. Also submitted for the record were photos of the neighboring properties.

Jon asked Scott Mutch, Zoning Enforcement Officer if he had anything to add. The overall proposed new square footage is 1,204 square feet. Due to the existing garage now being converted into habitable space, both the existing garage as well as the new proposed garage are added together to determine the new proposed square footage. The existing garage, which is not counted in the existing Gross FAR of a building structure must be included when it is converted into habitable space and in turn increases the size of the overall structure. Jon asked if it wasn't for the frontage we wouldn't be here. Scott concurred that it was indeed due to insufficient frontage (only 80'-0") that classified the lot as non-conforming.

Rick feels it does increase the non-conformity, but he feels it's very nicely done. If the Board as a whole, is not concerned with how much it goes over the 15% then he is fine with it.

Jon agreed with Rick Fallon. Fran concurs with everything said except for the increase of the non-conformity. Fran did not feel that the non-conformity (in this case the lot frontage) was increased.

The Board voted unanimously to **GRANT** the **SPECIAL PERMT** with the following conditions:

1. Conforms with the plans submitted
2. The height of the new garage will not exceed 16 feet.