MINUTES OF THE HEARING ON THE
SPECIAL PERMIT, 3 NASH ROAD

HEARING # 15-05

A public hearing of the Acton Board of Appeals was held on Monday, March 2, 2015 at 7:15 pm in Room 204, Francis Faulkner Meeting Room of the Acton Town Hall on the application of Mr. Thomas Heffernan for a Special Permit under Section 8.1.5 of the Zoning Bylaw to allow the addition of a master bedroom to an existing single family dwelling that will enlarge the structure by more than 15%. The property is located at 3 Nash Road., Map G2/Parcel 128.

Present at the hearing were Board members, Jonathan Wagner, Chairman; Richard Fallon, Clerk; Adam Hoffman, Member; Scott Mutch, Zoning Enforcement Officer; Cheryl Frazier, Board of Appeals Secretary; and petitioner Thomas Heffernan.

Jon Wagner opened the hearing, and read the contents of the file into the record which included the following: application, abutters list, legal ad, public hearing notice, certified green cards, staff comments from Planning Department and Engineering Department, a CD Rom, a plot plan of the property, architectural drawings of the proposed construction (3 pages), location maps and pictures of the existing home and the surrounding properties which include, 5, 6, 11, 16, 28, 30, and 35, Nash Road.

Jon Wagner then asked the petitioner to begin. Mr. Heffernan introduced himself and began by saying he is before the Board requesting a Special Permit to construct a master bedroom addition on a non-conforming lot that will increase the size of the structure by more than 15%. The existing square footage of the dwelling is 2,285 square feet. The 15% permitted by right is approximately 342.75 ft^2 and what they are proposing is 450 ft^2 or (19.7%). The proposed expansion requires a Special Permit under Section 8.1.5. The home was purchased in 2005 with the intention of adding on in the future. Life's circumstances have changed, and the addition is now required in order to provide added living space. The addition will not be more detrimental to the surrounding neighborhood and will be consistent with many other existing houses in the neighborhood. The proposed addition, as well as the existing structure, are currently, and will continue to be in conformance with all setbacks.

Jon asked why the lot is non-conforming. Mr. Heffernan said the lot is non-conforming due to insufficient lot area (10,000 ft^2 existing, 20,000 ft^2 required) and insufficient lot frontage (100 feet existing, 150 square feet required).

Jon asked Adam if he had any questions. He did not. Rick wanted to know if it complied with the setbacks. The petitioner said it did.

All three (3) Board members were in agreement that the proposed addition increased the degree of non-conformity, but the Board felt it was not more detrimental to the surrounding neighborhood and would have a positive impact on the neighborhood. The Board discussed, and made the mandatory findings required under the Zoning Bylaw.

The Board voted unanimously to **APPROVE** the **SPECIAL PERMIT** with the condition that the construction complies with the plans as submitted.

Respectfully submitted,

Jonathan Wagner
Chairman, Board of Appeals

Cheryl Frazier
Secretary, Board of Appeals