



**MINUTES OF THE HEARING ON THE PETITION
172 NEWTOWN ROAD**

HEARING # 15-03

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 7:00 pm in Room 126 of the Acton Town Hall on the petition of Robert Guy Dixon, Architect on behalf of property owners Stephen Bertolami & Nicholas Rich for a **SPECIAL PERMIT** under Section 8.1.5 of the Zoning By-law to allow for the addition of a sunroom, breezeway and three car garage to the existing single family dwelling that will enlarge the structure by more than 15%. The property is located at 172 Newtown Road. Map D3/Parcel 9-1.

Present at the hearing was Jonathan Wagner, Chairperson; Richard Fallon, Member; Fran Mastroianni, Alternate Member; Scott Mutch, Zoning Enforcement Officer; Cheryl Frazier, Secretary; Guy Dixon, Architect and owners Nicholas Rich and Stephen Bertolami.

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, architectural plans, four location maps - one of the petitioner's property and three of surrounding properties, six photographs of houses in the vicinity of the petitioner's property, and memos from the Zoning Enforcement Officer, Engineering Department, and the Health Department.

Jon asked the petitioner to begin.

Guy Dixon, Architect for the petitioner introduced himself and said he is here tonight on behalf of his good friends and clients Nicholas Rich & Stephen Bertolami, who have lived in the house for more than a year and plan on living in Acton for a very long time. He is designing the addition for them and found out when he went to apply for a building permit that they have a non-conforming lot. He is here tonight requesting a SPECIAL PERMIT to allow for the construction and expansion (in excess of 15% of the existing GFA (Gross Floor Area)) of an existing single family residential dwelling which is located on a non-conforming lot. The overall proposed new square footage is 1,822 square feet which is in excess of the 15% permitted as-of-right under Section 8.1.4 of the Zoning Bylaw. The property is classified and determined to be a non-conforming lot due to insufficient lot area (82,828 ft² existing – 100,000 ft²) required. He's asking the board to approve the addition because it is not more detrimental to the surrounding neighborhood and the proposed addition is an upgrade and improvement to the lot.

Mr. Dixon addressed the issues that were asked by Scott Mutch in his memo. He said the existing house is 29 feet high and the current garage, which will be the new great room is 24 feet high. The addition to the structure includes the sunroom, breezeway and three car garage. The proposed garage will be 25 feet high with a 4 foot cupola for an overall total height of 29 feet. The total cumulative new square footage proposed is approximately 45% of the existing GFA (Gross Floor Area). A portion of the new square footage being used in the calculation is the existing 2-car garage which is proposed to be converted into a Great Room and habitable living space.

Jon Wagner asked his fellow board members if they had any comments. Rick Fallon feels that what is proposed increases the non-conformity and makes it more non-conforming. Fran Mastroianni feels the non-conformity is the lot size and not the addition and will not be increasing the nonconformity. Fran doesn't see how this could be construed to be more detrimental to the surrounding neighborhood. He is favorably inclined to approve it. Jon feels favorably towards Fran's take on it and he doesn't feel it's any more detrimental to the surrounding neighborhood.

The mandatory findings were discussed.

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

1. Conforms to plans as submitted
2. The height of the new garage with copula will be 29 feet and the sunroom and breezeway will not exceed 24 feet.
3. In compliance with Board of Health regulations

Respectfully submitted,

Jonathan Wagner
Chairman, Board of Appeals

Cheryl Frazier
Secretary, Board of Appeals

