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Planning Department

MEMORANDUM

To: Zoning Board of Appeals

Date: May 1, 2015
Updated: May 21, 2015

From: Kristen Guichard, AICP, Assistant Town Planner KAG

Subject: Special Permit #15-09
19 Henley Road – Construction of Addition on Nonconforming Lot in Excess of 15% (Bylaw Section 8.1.5)

Location: 19 Henley Road

Map/Parcel: B4-24

Petitioner: Pete Pelletier of Pelletier Brothers Inc.

Owner: Tim and Maria Membrino

Zoning: Residence 2 (R-2)

Existing Gross Floor Area of Dwelling: 2,656 ft^2

15% Permitted by-right: 398.4 ft^2

Proposed Square Feet of New Construction Requested: ~~672~~ 1,008 ft^2 (or ~~25.3~~ 37.95%)

Hearing Date: May 4, 2015, Continued to May 11th, and June 1, 2015

Decision Due: August 2, 2015

Mr. Pelletier is requesting a Special Permit under Section 8.1.5 of the Zoning Bylaw to allow for the construction and expansion of an existing single family residential dwelling located on a non-conforming lot. The subject property is classified as a nonconforming lot due to insufficient frontage.
At the May 11, 2015 hearing the applicant described the proposed additions, at which time it became clear the total expansion was to include a 12'x 28' expansion of the garage, a 12' x 28' expansion of the bedroom above the garage and a 14' x 24' expansion of a screened in porch. The updates in red have been changed to reflect this. In addition the ZBA has requested that the applicant submit additional information for their deliberation, and to obtain clarification from the Health Department for setback requirements from the septic system.

The existing Gross Floor Area noted above, is based on information from the Town of Acton's Assessors property field card (see attached) and was in existence as of April 1, 2012. Zoning Bylaw Section 8.1.4 allows for extensions or alterations by-right if they do not increase the overall size of the structure by more than 15% of the existing Gross Floor Area. The overall requested expansion in total is ~~672~~ 1,008 ft^2, which is a ~~25.3~~ 37.95% increase of the existing Gross Floor Area. Therefore, the proposed expansion requires a special permit under Section 8.1.5.

In all other respects, the proposed addition meets rear, side and front yard setbacks as required under the Zoning Bylaw for the R-2 Zoning District. The Planning Department has no objection to the issuance and granting of the requested special permit. The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 8.1.5 and 10.3.5. The decision should include a condition that the Petitioner record the decision at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the Site.