

Date Received
TOWN CLERK
By: _____

Appendix B

Date Received
BOARD OF APPEALS
By: 7/6/16
RECEIVED

**TOWN OF ACTON
APPLICATION FOR SPECIAL PERMIT
(ZONING BYLAW)**

Indicate the type of Special Permit Requested: addition to non-conforming use

Under Zoning Bylaw Section: Section 8.1.5

Refer to the "Rules and Regulations for Special Permits" available from the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

- Location and Street Address of proposed SPECIAL PERMIT 19 Henley Road
- Applicant's Name Tim & Maria Membrino
Address 19 Henley Road Acton
Telephone 978-264-4843 Email mxmakow@yahoo.com
- Record Owner's Name Tim & Maria Membrino
Address 19 Henley Road Acton, MA
Telephone _____ Email _____
- Surveyor _____
Address _____
Telephone _____ Email _____
- Engineer _____
Address _____
Telephone _____ Email _____
- Town Atlas Map(s)/Parcel Number(s) B4-24
- Zoning District (s) of Parcel(s) Residence 2 (R-2)
- Detailed description of the proposed SPECIAL PERMIT (Please use additional pages if needed):
See attached
- If any SPECIAL PERMITS have been filed previously for this site give file numbers:
Special permit #15-09

The undersigned hereby apply to the Zoning BOARD of Appeals for a public hearing and a special permit under Section 10.3 of the Zoning Bylaw approving the attached use form.

The undersigned hereby certify that the information on this application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

7/6/2016 [Signature] Maria Membrino
Date Signature of Petitioner(s) Signature of Petitioner(s)

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

7/6/2016 [Signature] Maria Membrino
Date Signature of Record Owner(s) Signature of Record Owner(s)

Timothy and Maria Membrino
19 Henley Road
Acton, MA 01720

July 6, 2016

Acton Board of Appeals
Town Hall – Main Street
Acton, MA 01720

Dear Board Members,

Last year we requested and received special permit #15-09. This permit was approved in the June 2015 Board of Appeals meeting and allowed for construction of an addition (bedroom and 3 season porch) that exceeded the 15% expansion limitation of the bylaw in Section 8.1.5. We have included the documentation that was submitted as part of that request last year. The plan submitted called for a patio door to be installed in the new 3 season porch. This door was scheduled to be placed on the same wall as the existing patio door that was in the kitchen area. Both patio doors would exit onto the existing deck.

Due to changes in roof truss designs to accommodate the new energy codes and existing conditions, we could not install the proper header above the patio door that was planned to exit onto the existing deck. The solution reached during the framing process was to relocate the door to the gable end of the 3 season porch and extend the existing deck to the gable end. At that time we did not consider that the deck area would require special permitting.

We are requesting either a second special permit or an amendment to the existing special permit (whichever is the most expeditious) that would allow us to extend the deck along the back section of the house. We understand that either option would probably require a public hearing so we have requested one and have submitted the required paperwork. We are looking for permission to add on the extra section of decking so that we would be able to exit the new patio door onto the new deck structure. The special permit request would allow us to exceed the 15% ground floor area restriction of Section 8.1.5. The addition of the decking is in the back of the home and would not cause additional detrimental non-conformance to the non-conforming lot/structure. The footers will be an adequate distance from the septic system as required by the Board of Health.

We have enclosed a copy of the entire floor plan showing the existing layout (as of #15-09) as well as the proposed new layout for the new decking.

Thank you for your consideration to this matter.

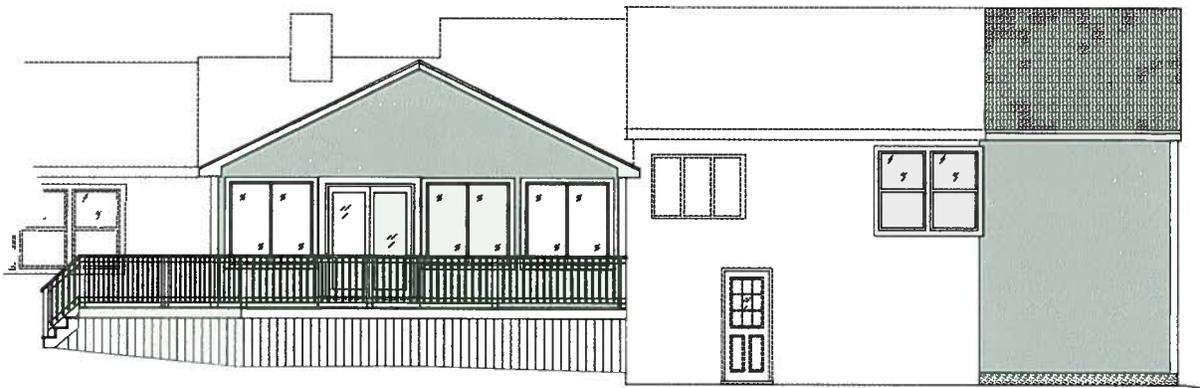
 Maria Membrino
Tim and Maria Membrino

2016

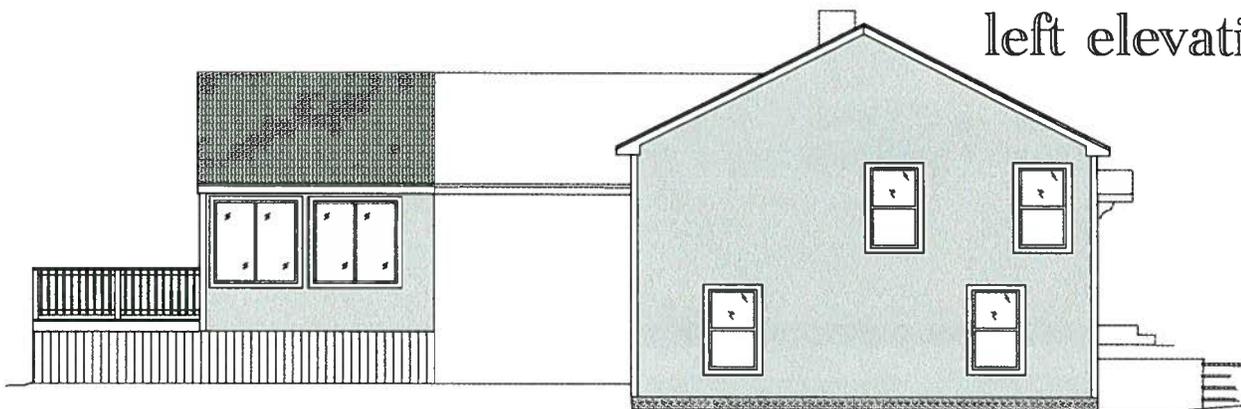
front elevation



rear elevation



left elevation



NOTE: Measurements are to be verified by contractor on site prior to construction

BEYOND BASICS

beyond basics
312 burrage st
lunenburg ma
978-582-4331

addition plans

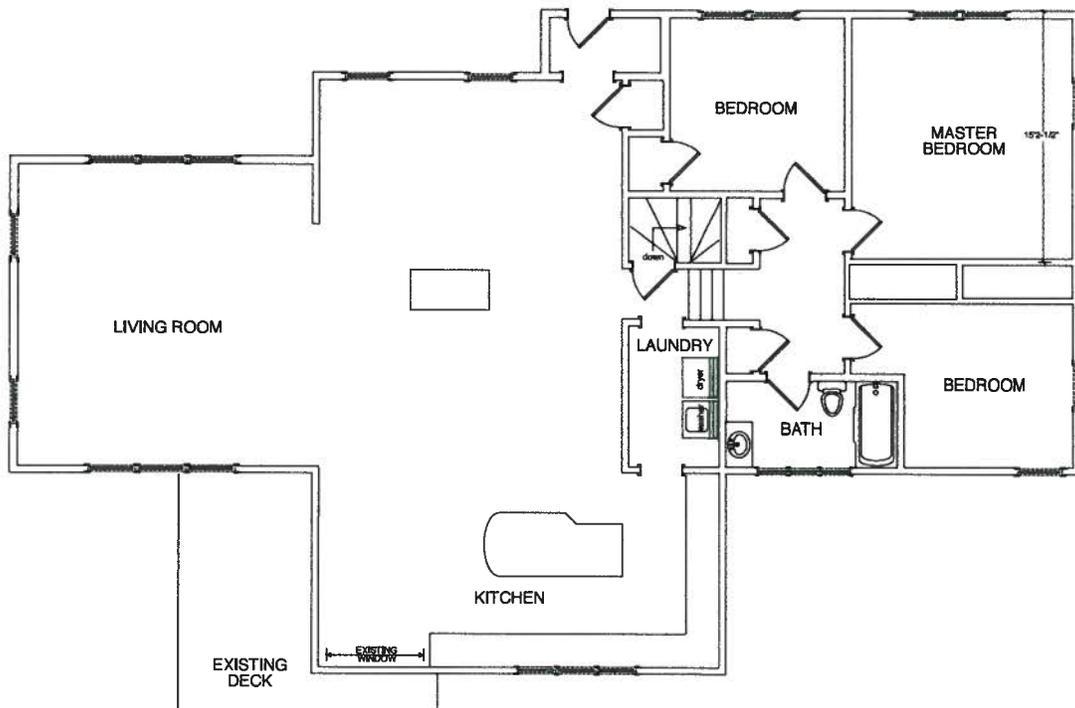
Scale: 1/4" = 1'0"
Date : 6/22/16
By: Alan J. Maki

Tim & Maria Membrino
19 Henley Rd.
Acton Ma.

plan #150513
page 1 of 5

2016

existing 1st floor plan



BEYOND BASICS

NOTE: Measurements are to be verified by contractor on site prior to construction

beyond basics
312 burrage st
lunenburg ma
978-582-4331

addition plans

1896 sq ft (existing)
2231 sq ft (proposed)

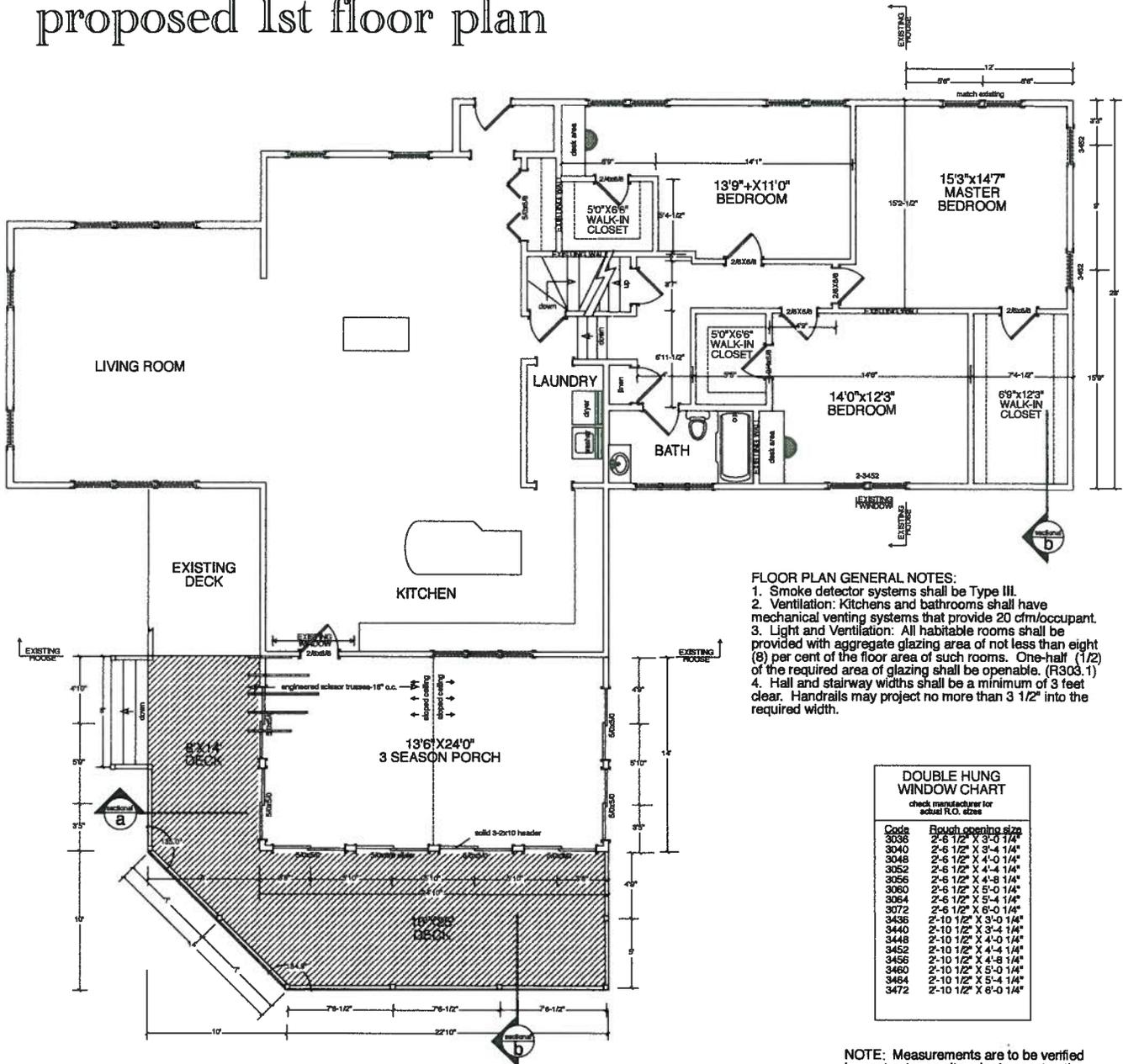
Scale: 1/4" = 1'0"
Date : 6/22/16
By: Alan J. Maki

Tim & Maria Membrino
19 Henley Rd.
Acton Ma.

plan #150513
page 2 of 5

2014

proposed 1st floor plan



- FLOOR PLAN GENERAL NOTES:**
1. Smoke detector systems shall be Type III.
 2. Ventilation: Kitchens and bathrooms shall have mechanical venting systems that provide 20 cfm/occupant.
 3. Light and Ventilation: All habitable rooms shall be provided with aggregate glazing area of not less than eight (8) per cent of the floor area of such rooms. One-half (1/2) of the required area of glazing shall be openable. (R303.1)
 4. Hall and stairway widths shall be a minimum of 3 feet clear. Handrails may project no more than 3 1/2" into the required width.

DOUBLE HUNG WINDOW CHART
check manufacturer for actual R.O. sizes

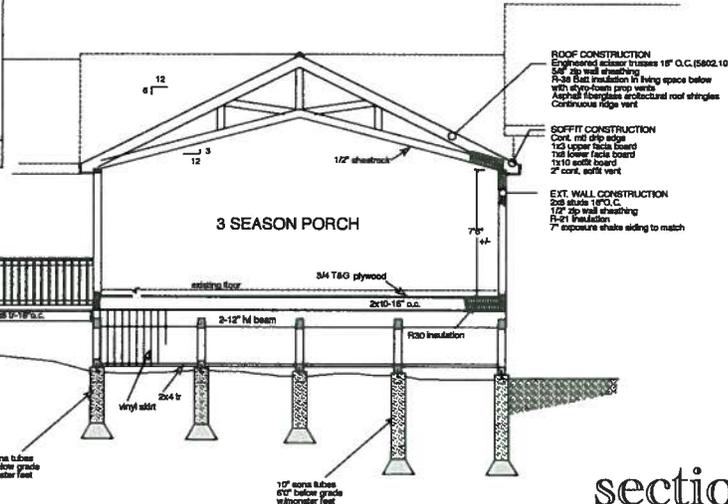
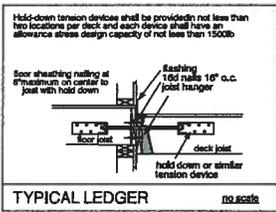
Code	Rough opening size
3036	2'-8 1/2" X 3'-0 1/4"
3040	2'-6 1/2" X 3'-4 1/4"
3048	2'-6 1/2" X 4'-0 1/4"
3052	2'-6 1/2" X 4'-4 1/4"
3056	2'-6 1/2" X 4'-8 1/4"
3060	2'-6 1/2" X 5'-0 1/4"
3064	2'-6 1/2" X 5'-4 1/4"
3072	2'-6 1/2" X 6'-0 1/4"
3436	2'-10 1/2" X 3'-0 1/4"
3440	2'-10 1/2" X 3'-4 1/4"
3448	2'-10 1/2" X 4'-0 1/4"
3452	2'-10 1/2" X 4'-4 1/4"
3456	2'-10 1/2" X 4'-8 1/4"
3460	2'-10 1/2" X 5'-0 1/4"
3464	2'-10 1/2" X 5'-4 1/4"
3472	2'-10 1/2" X 6'-0 1/4"

NOTE: Measurements are to be verified by contractor on site prior to construction

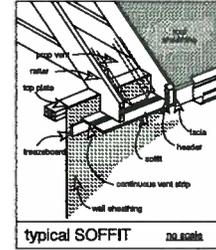
BEYOND BASICS

2016

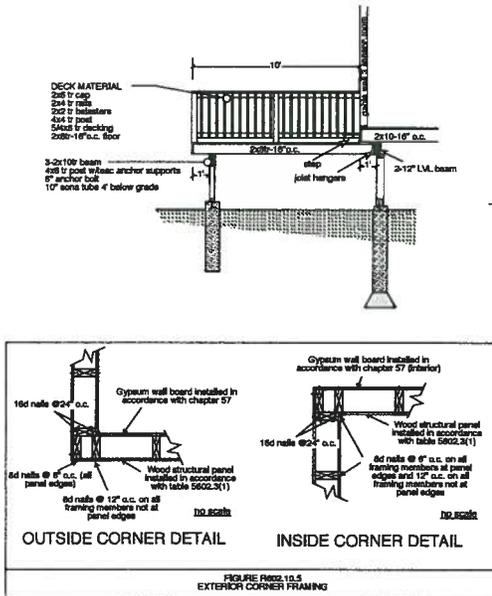
sectional view(a)



- FRAMING GENERAL NOTES:**
1. All structural materials shall be void of any defects that may diminish their capacity to function in an adequate manner. Load-bearing dimension lumber for rafters, trusses and ceiling joists shall be identified by a grade mark (R802.1)
 2. Structural Engineering or any other professional services that may be required shall be provided by others.
 3. Use built-up 2x4 posts under all beams (4 minimum)
 4. Double up floor joist under partition walls above.
 5. Double jack studs under window headers.



sectional view(c)



sectional view(b)

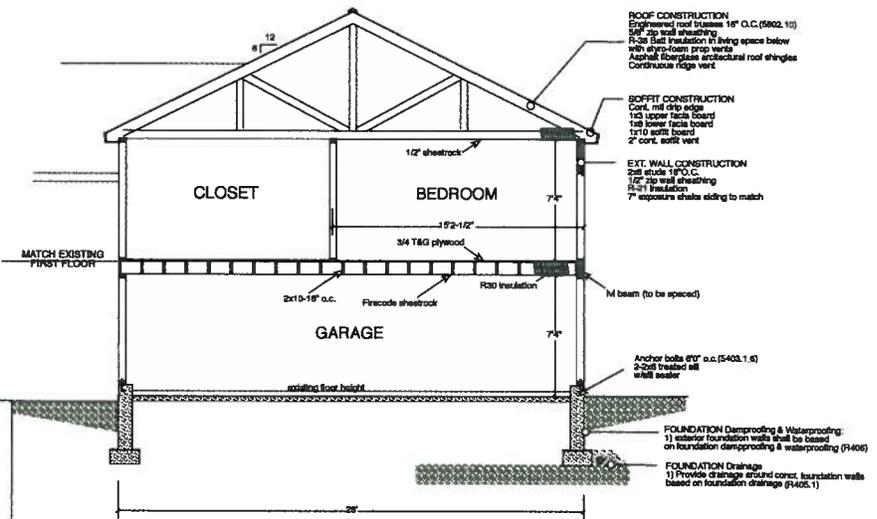


TABLE R602.10.3 LENGTH REQUIREMENTS FOR BRACED WALL PANELS IN A CONTINUOUSLY SHEATHED WALL

MINIMUM LENGTH OF BRACED WALL PANEL (INCHES)	MAXIMUM OPENING HEIGHT NEXT TO THE BRACED WALL PANEL (% OF WALL HEIGHT)	
	8-FOOT WALL	16-FOOT WALL
48	48	100%
36	36	85%
27	NA	NA

- NOTES:**
1. Details based on Ma. Building Code 8th Edition for Basic Wind Speed 100 mph (table R301.2(4))
 2. Exterior corners shall be framed per Figure R602.10.5
 3. Minimum braced wall panel lengths per Table R602.10.3
 4. Shear walls are required at corners adjacent to full height garage door openings per detail shown.
 5. Anchor bolts and hold-down devices shall be Simpson Strong-Tie and installed per manufacturer's specifications for min. 1800 lbs uplift capacity.

NOTE: Measurements are to be verified by contractor on site prior to construction

BEYOND BASICS

beyond basics
312 burrage st
ludenburg ma
578-582-4331

addition plans

Scale: 1/4" = 1'0"
Date : 6/22/16
By: Alan J. Maki

Tim & Maria Membrino
19 Henley Rd.
Acton Ma.

plan #150513
page 4 of 5



#15-09

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

Planning Department

MEMORANDUM

To: Zoning Board of Appeals

Date: May 1, 2015

Updated: May 21, 2015

From: Kristen Guichard, AICP, Assistant Town Planner *KG*

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 ft²

15% Permitted by-right: 398.4 ft²

Proposed Square Feet of New Construction Requested: ~~672~~ 1,008 ft² (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 ft², 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.

15-09

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.

#15-09

'As Built' Elevations	Proposed	'As Built'
SEPTIC TANK INLET	102.70	103.2
SEPTIC TANK OUTLET	102.45	103.0
PUMP CHAMBER INLET	102.35	101.25
PUMP CHAMBER OUTLET	100.15	101.47
SAS ORIGIN	100.48	100.5 +/-
SAS TERMINUS	100.48	100.5 +/-

'As Built' Component Ties	(A)	(B)	(C)	(D)
SEPTIC TANK IN	12.9	22.1	18.7	
SEPTIC TANK COV.	17.2	21.2	15.7	
SEPTIC TANK OUT	19.7	21.3	14.8	
PUMP CHAMBER IN	44.3	43.3	33.7	31.3
PUMP CHAMBER OUT	48.8	47.7	38.1	34.1
INSPECTION PORT	84.8		59.4	50.9
INSPECTION PORT	72.3		69.8	68.5

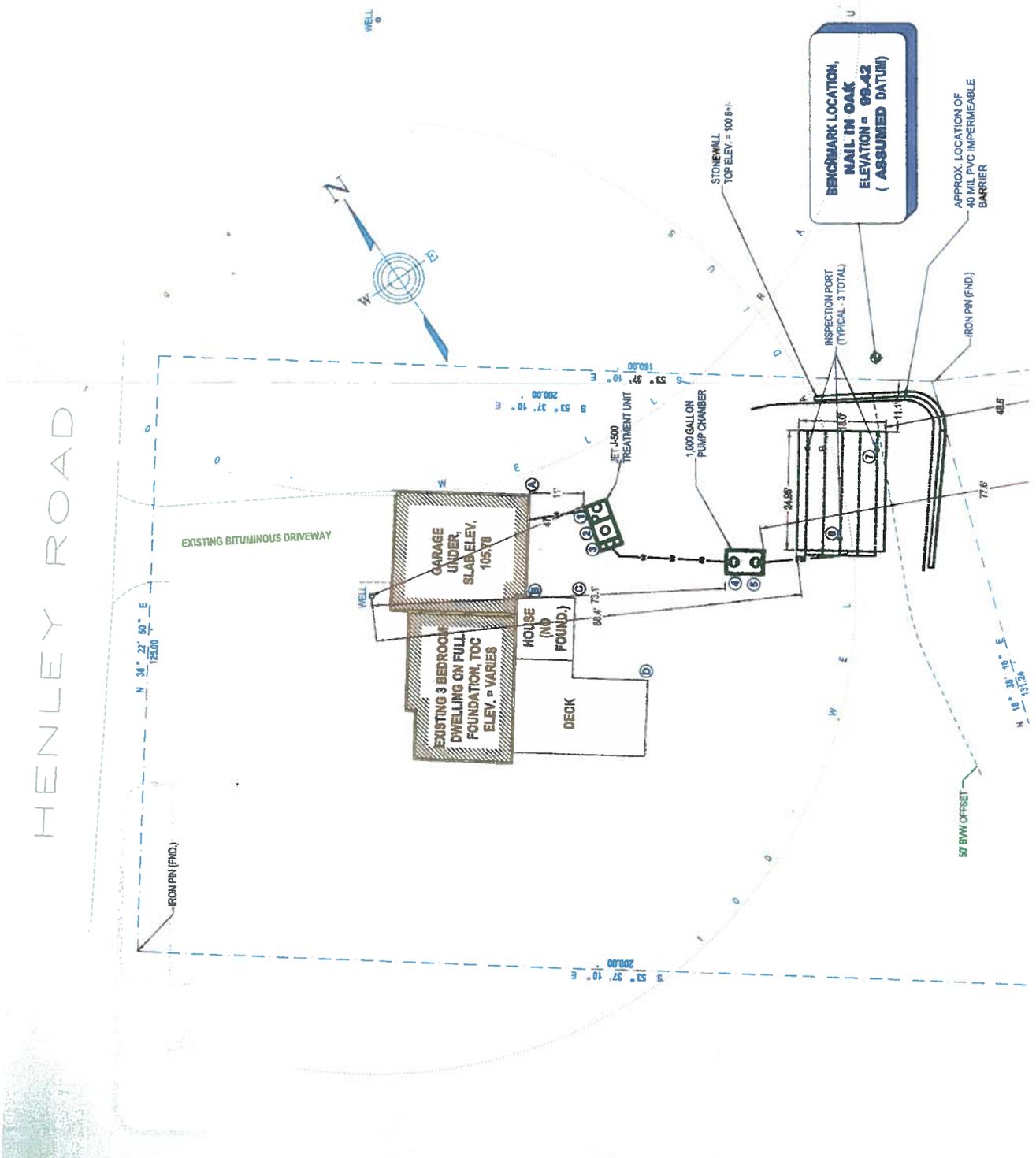
Firm Name and Address
SCHOFIELD ENGINEERING GROUP
 Post Office Box 127
 Wayland, Massachusetts 01778
 (508) 358-5763

Project Name and Address
'AS BUILT PLAN FOR
TIM MEMBRINO
19 HENLEY ROAD
ACTON/MA

1

APRIL 30, 2004

1" = 20'



#15-09



TOWN OF ACTON
Health Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6632
Fax (978) 929-6340

May 19, 2015

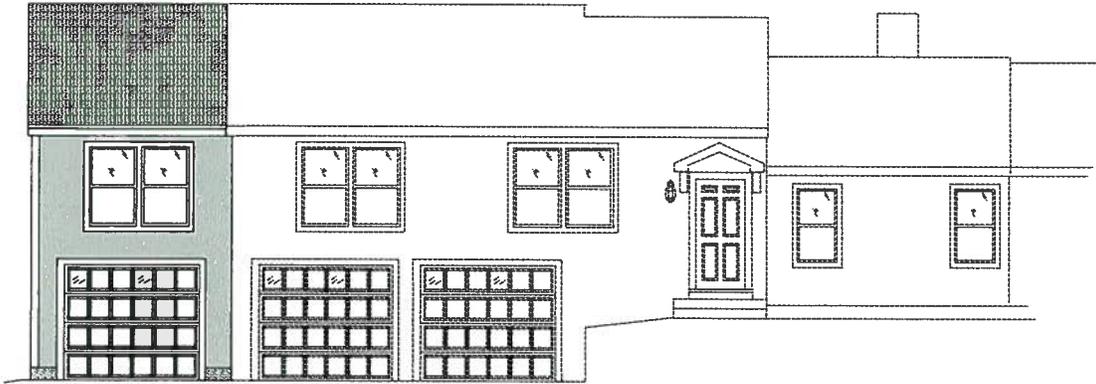
To: Board of Appeals
From: Evan Carloni, Health Department
Re: Hearing #15-09 - Special Permit - 19 Henley Road

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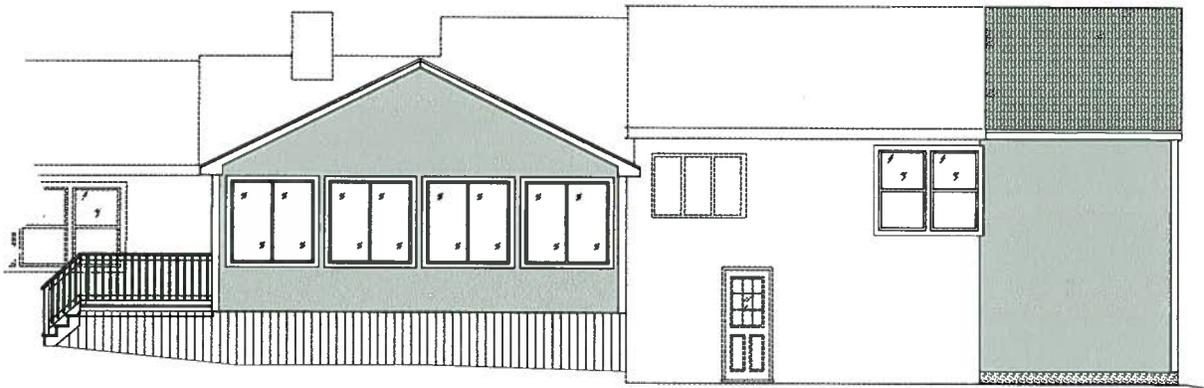
Please ensure that any additions of foundation remain at least 10 feet away from septic system. Additionally, sonotube footings must also remain 10 feet away from septic system components, with the exception that a footing may be as close as 5 feet to a septic tank or pump chamber as long as the footing reaches a depth in the ground equivalent to the bottom of the tank.

#15-09

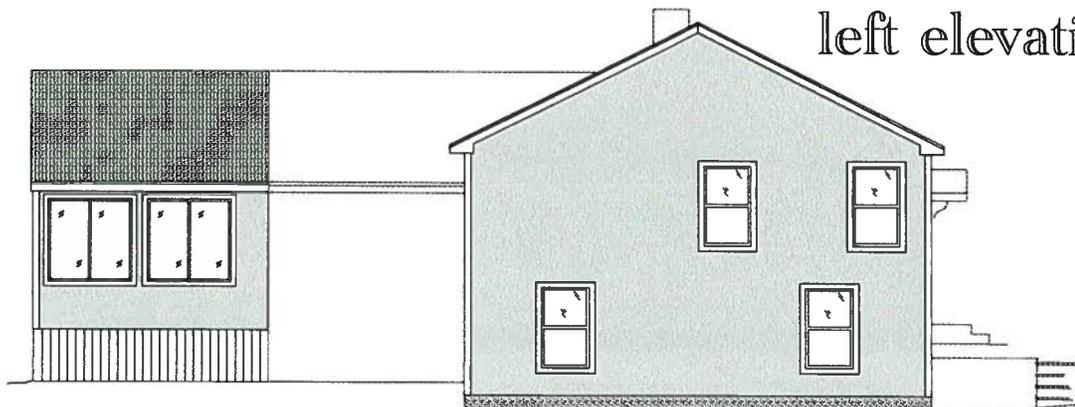
front elevation



rear elevation



left elevation



NOTE: Measurements are to be verified by contractor on site prior to construction

BEYOND BASICS

beyond basics
312 burrage st
lunenburg ma
978-582-4331

addition plans

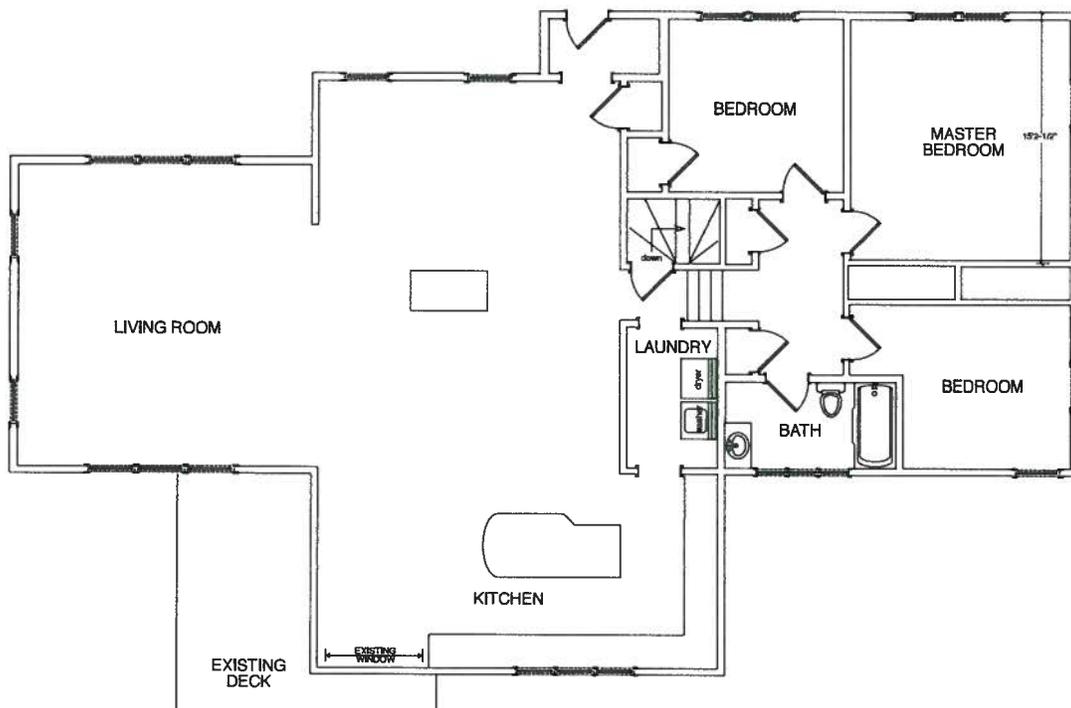
Scale: 1/4" = 1'0"
Date : 5/13/15
By: Alan J. Maki

Tim & Maria Membrino
19 Henley Rd.
Acton Ma.

plan #150513
page 1 of 5

#15-09

existing 1st floor plan



NOTE: Measurements are to be verified by contractor on site prior to construction

beyond basics
312 burrage st
lunenburg ma
978-582-4331

addition plans

1896 sq ft (existing)
2231 sq ft (proposed)

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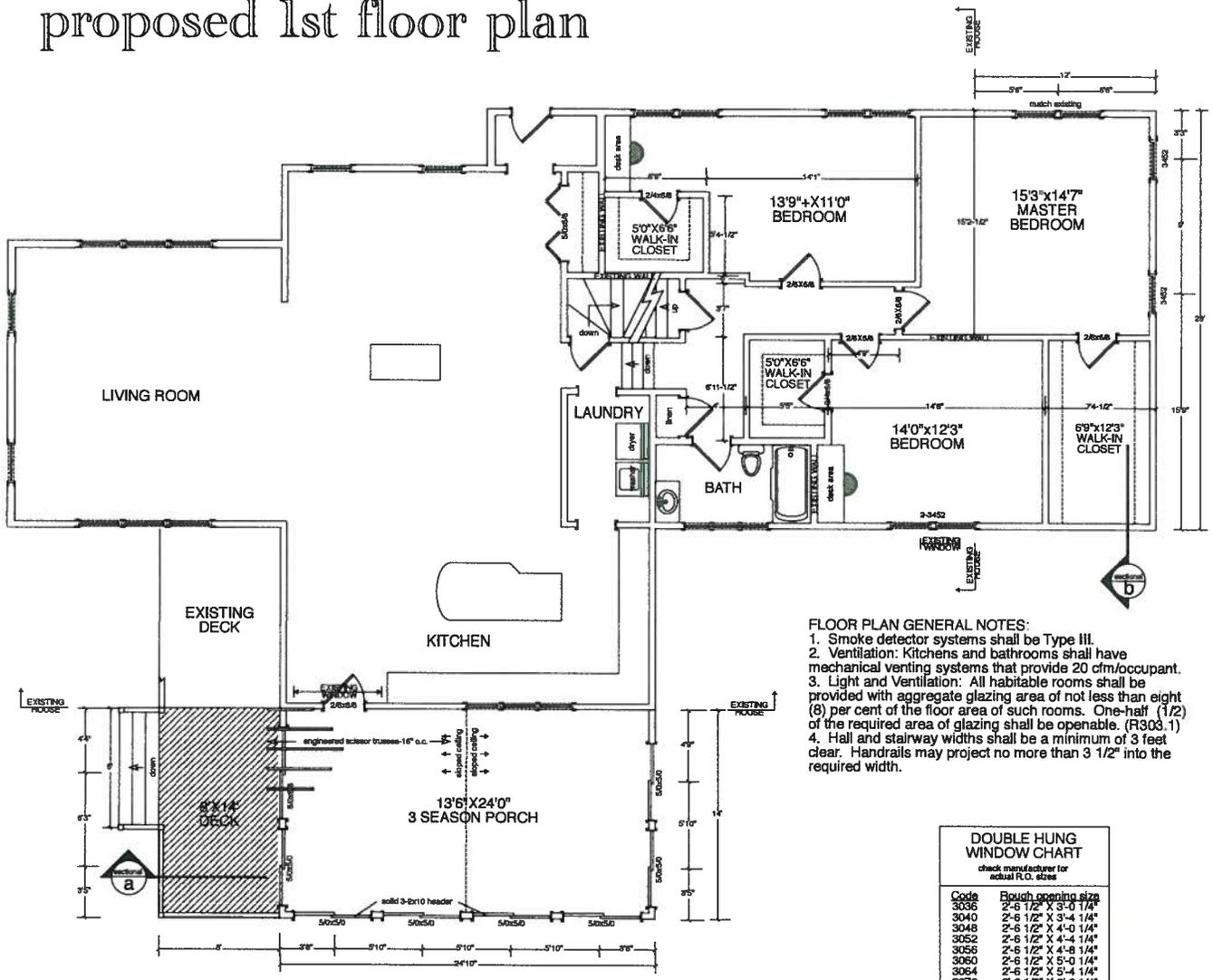
Tim & Maria Membrino
19 Henley Rd.
Acton Ma.

plan # 150513
page 2 of 5

BEYOND BASICS

#15-09

proposed 1st floor plan



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check manufacturer for actual R.C. sizes	
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3056	2'-6 1/2" X 4'-8 1/4"
3060	2'-6 1/2" X 5'-0 1/4"
3064	2'-6 1/2" X 5'-4 1/4"
3072	2'-6 1/2" X 6'-0 1/4"
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BEYOND BASICS

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978-582-4331

addition plans

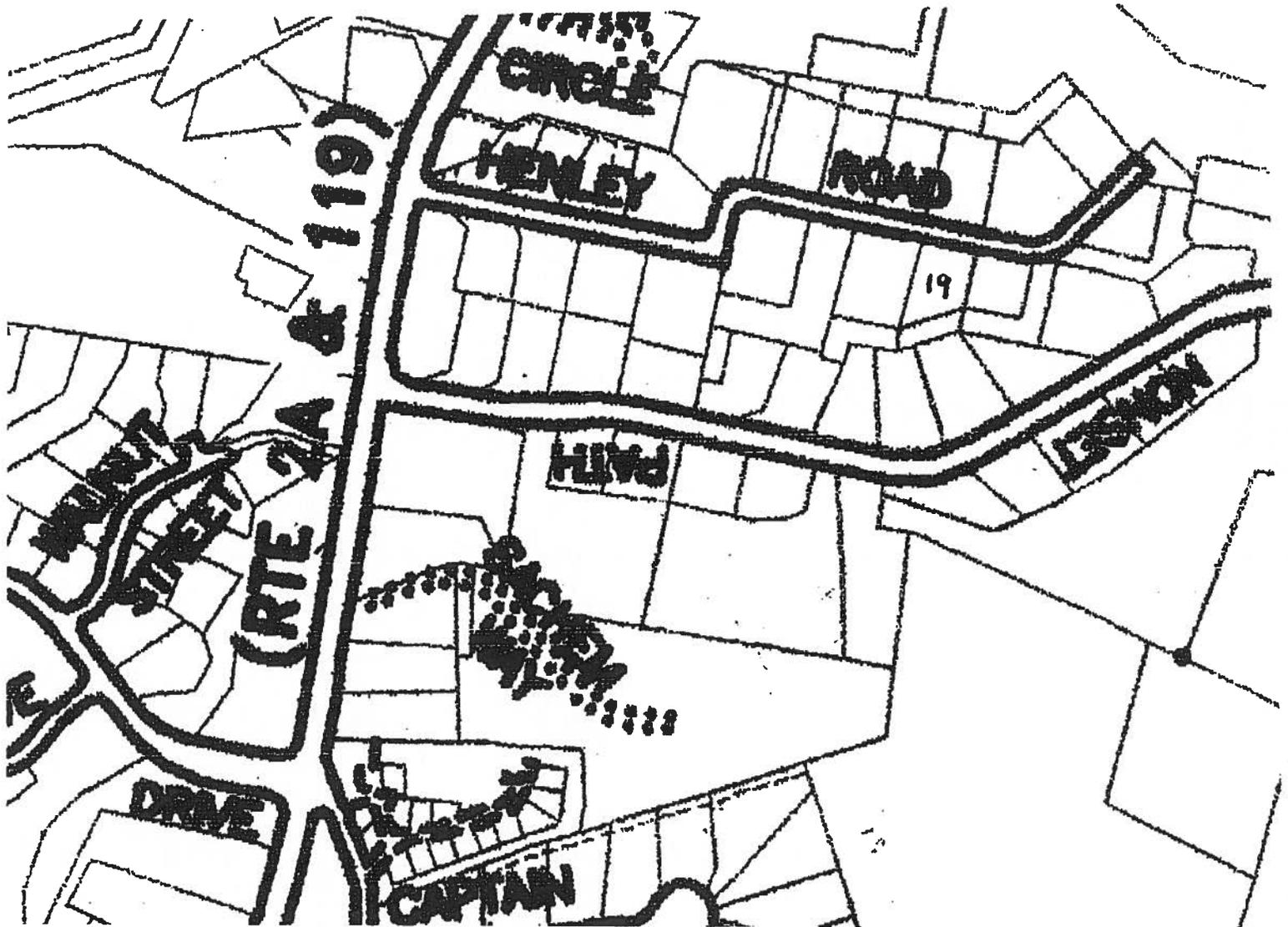
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Tim & Maria Membrino
19 Henley Rd.
Acton Ma.

plan #150513
page 3 of 5

#15-09



#15-09

Date Received
TOWN CLERK

By: _____



TOWN OF ACTON
MASSACHUSETTS

Date Received
BOARD OF APPEALS

By: _____

BOARD OF APPEALS
(FORM 4)
PETITION FOR A SPECIAL PERMIT

19

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section 8.1.5 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 8 to allow:

See Attached Letter.

OFFICE USE ONLY

4 copies of petition + CD ROM

Location map: _____

Plot plans: _____

Additional briefs? _____

List of abutters and other interested parties? _____

Fee - \$100.00/1-25 abutters
\$125.00/26+ abutters?

Next Hearing Date? _____ No

Respectfully submitted

Signed T.M.M. - Maria Membrino
(Petitioner)

Name Timothy + Maria Membrino

Address 19 Henley Road Acton

Phone # 978-264-4843

Signed T.M.M. - Maria Membrino
(Owner of record)

Name Timothy + Maria Membrino

Address 19 Henley Road Acton,

Phone # 978-264-4843

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.

15-09

Pelletier Brothers, Inc.

91 MIDDLE STREET
LEOMINSTER, MA 01453
OFFICE (978) 840-1225
FAX (978) 534-5016
E-Mail Pellbros1@msn.com

RE: Addition
Tim & Maria Membrino
19 Henley Road

April 2, 2015

Dear Board Members,

We are proposing to construct two additions to the residence at 19 Henley Road owned by Tim & Maria Membrino.

The 1st addition will be a 12' x 28' addition that will increase the size of their existing bedrooms with a garage stall below. See attached plans. The roof line will maintain the height of the existing roof. The siding will be cedar shakes, matching the existing.

The 2nd addition is a 14'x 24' deck with roof and screens on the side walls. The roofline will be slightly below the existing roof line.

I have enclosed a copy of the entire floor plan showing the existing and proposed layouts.

Sincerely



Pete Pelletier
Pelletier Brothers Inc