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**Planning Department**

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**MEMORANDUM**

**To:** Planning Board

**Date:** August 15, 2016

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

**Subject:** Additions and Replacements on Non-Conforming Lots

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Currently, the Zoning Bylaw provides that a by-right extension, alteration or change to a single or two-family dwelling on a non-conforming lot is limited to a 15% increase to the size of the existing structure. Any increase above 15% requires a special permit. In 2014 the Planning Department proposed a zoning change to increase the size of additions allowed by-right for single family and two-family dwellings on non-conforming lots. At the time, the Planning Board was reluctant to move forward with this proposed bylaw. The Planning Board felt they needed additional information and were interested in hearing from the Zoning Board of Appeals. Therefore, the article was not brought to a public hearing or Town Meeting.

Over the past two years the Planning Department compiled data on special permits issued for extensions, alterations or changes to a single or two-family dwelling on non-conforming lots. From the information gathered (please see Table 1 and 2), all special permits since 2012, a total of 16 special permits, have been issued regardless of size increase. In addition, decisions issued do not contain conditions that require plan alterations. Therefore, the process in which to construct an addition to one's home is more burdensome and costly for a homeowner of a non-conforming lot, but the outcome of the request remains the same as if it were by-right.

The Planning Department recommends a proposed Bylaw amendment which would allow **all** extensions, alterations or changes to a single or two-family dwelling on a non-conforming lot **by-right**. This would eliminate the special permit requirement. In the event Town Counsel finds a conflict with Chapter 40A or recent case law, an alternative Bylaw change would increase the allowed percentage. The Zoning Board of Appeals has discussed these changes and expressed their support of either Bylaw amendment.

Table 1.

<b>SUMMARY</b>				
<b>Average Requested Increase from 2012 to 2015 =</b>		<b>45%</b>		
<b>Median Requested Increase from 2012 to 2015=</b>		<b>37%</b>		
	<b># Permits Requested</b>	<b># Permits Permitted</b>	<b># Permits Denied</b>	<b>Average % Addition</b>
2012	1	1	0	17%
2013	1	1	0	18.80%
2014	4	4	0	21.57%
2015	6	6	0	39.60%
2016	4	4	0	74%

Table 2.

<b>YEAR BY YEAR ANALYSIS</b>				
	<b>Year</b>	<b>Address</b>	<b>% requested</b>	<b>Granted Yes or No</b>
1	2012	154 Willow St	115%	Yes
2	2013	171 Main Street	16.90%	Yes
3	2014	50 Newtown Road	18.80%	Yes
4	2014	54 Pope Road	24.50%	Yes
5	2014	70 Maple Street	28.50%	Yes
6	2014	42 Pope Road	50.60%	Yes
7	2015	3 Nash Road	19.70%	Yes
8	2015	19 Henley Road	25.30%	Yes
9	2015	626 Mass Ave	31.40%	Yes
10	2015	253A School Street	34.40%	Yes
11	2015	11 Berry Lane	38.60%	Yes
12	2015	172 Newtown Road	44.80%	Yes
13	2016	4 Larch Road	48.80%	Yes
14	2016	55 Maple Street	78%	Yes
15	2016	19 Henley Road*	47.36%	Yes
16	2016	25 Newtown Road	98.10%	Yes

\*Applicant came back to the Board to extend a porch from their original plans submitted in 2015