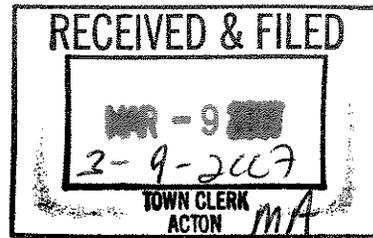
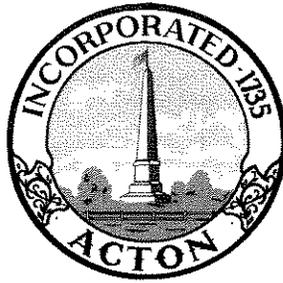


Planning



DECISION 07-01

DECISION ON THE PETITION BY WILLIAM STURTZ, 44 NASHOBA ROAD

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, February 5 at 7:30 P.M. on the petition by William Sturtz for a VARIANCE from the requirements of Section 5 Table of Standard Dimensional Regulations of the Zoning Bylaw to allow the rebuilding of a single family home on a nonconforming lot. The lot is located at 44 Nashoba Road. Map D2/Parcel 46.

Board members present at the hearing were Jonathan Wagner, Chairperson; Kenneth Kozik, Member; Cara Voutselas, Member; Garry Rhodes, Building Commissioner and Cheryl Frazier, Board of Appeals Secretary. Also present were the petitioners William and Raina Sturtz as well as several neighbors.

Mr. Wagner opened the hearing and read the contents of the file. Included in the file was a memo from Town Planner, Roland Bartl, stating that the Planning Department had no concerns regarding the petition.

Petitioner William Sturtz presented the petition. He explained that he had purchased the lot from the prior owners with the intention of demolishing the existing single family home and replacing it with a larger, more suitable home. The existing dwelling is a low, one-story structure made of cinder blocks. The lot is nonconforming with respect to frontage. It has 125 feet where 150 feet is required.

In response to questions from the Board, Mr. Sturtz seemed unfamiliar with the mandatory findings for granting a variance under Section 10.5.5 of the bylaws and presented no evidence as to why the lot in question is unique with respect to soil conditions, shape or topography (see Section 10.5.5.1).

Several neighbors spoke at the hearing in favor of the petition. All of those who spoke noted that the existing dwelling is in relatively poor condition and expressed a

preference for a new structure that would be more in keeping with the general style of houses in the neighborhood.

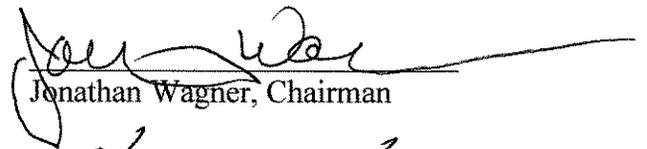
The Board of Appeals, after considering the materials submitted with petition, together with the information developed at the hearing finds that:

1. The lot located at 44 Nashoba Road is located in the R-2 zoning district.
2. The Petitioner seeks a VARIANCE from the frontage requirement of 150 feet found in Section 5, Table of Standard Dimensional Regulations, of the Zoning Bylaw.
3. The lot is nonconforming because it has 125 feet where 150 feet is required.
4. The lot at 44 Nashoba Road is not unique with respect to its soil conditions, shape or topography.
5. Desirable relief may not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

Therefore, the Board of Appeals, after reviewing the available materials and based on the above findings, voted to DENY the VARIANCE from Section 5, Table of Standard Dimensional Regulations, of the Zoning Bylaw to allow the demolition and rebuilding of a single family dwelling on a nonconforming lot.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

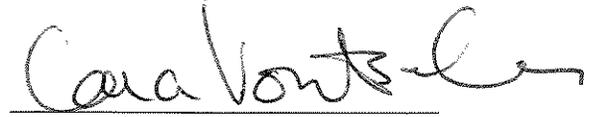
TOWN OF ACTON BOARD OF APPEALS



Jonathan Wagner, Chairman



Kenneth Kozik, Member



Cara Voutselas, Member