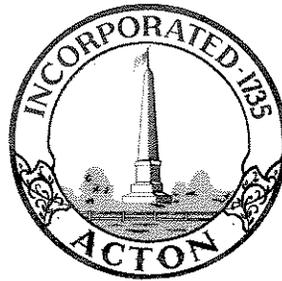
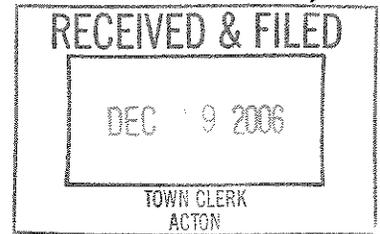


FYI

Planning



DECISION #06-11

DECISION ON THE PETITION OF WILLIAM DICKINSON, 517 MAIN STREET

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, December 4, 2006 on the Petition of William Dickinson for a **SPECIAL PERMIT** under Section 8.3.3 of the Zoning Bylaws to allow construction of two (2) single story additions which will extend horizontally within the dimensions of the existing nonconformity of a residential structure located at 517 Main Street. Map F3A/Parcel 90.

Present at the hearing were Jonathan Wagner, Chairman; Kenneth F. Kozik, Member and Cara Voutselas, Member. Also present were Garry Rhodes, Building Commissioner; Cheryl Frazier, Board of Appeals Secretary; the Petitioner (who is the architect of the project) and the owner, Cecelia Cropley.

Jonathan Wagner opened the hearing and read the contents of the file. The file contained a notation from the Planning Department stating that it had "no comments."

William Dickinson explained that the purpose of the Special Permit was to allow construction of two (separate) one-story additions consisting of a small open porch on the side of the existing structure and a kitchen addition and a screened porch on the rear. The present structure, which is set back approximately 4.6' from the street at its closest point, is nonconforming because it does not comply with the present front yard setback requirement of 45' in an R-8/4 Residential District. Each addition would extend horizontally from the existing structure and would be set back a greater distance than the existing nonconforming setback, therefor not increasing the nonconformity. The present structure consists of approximately 2,500 square feet and the net increase in square footage would be only about 70 square feet because some of the existing structure will be eliminated to construct the kitchen/deck addition. The height of each addition would be no more than 1 story and therefor not exceed the height of the existing house. The side yard and rear yard setbacks comply with current zoning requirements in an R-8/4 Residential District.

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

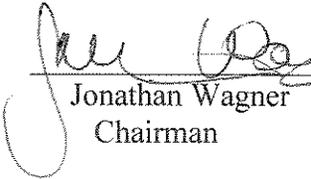
1. The Petitioner seeks a **SPECIAL PERMIT** under Section 8.3.3 of the Zoning Bylaw to allow construction of two (2) separate additions, each addition extending along a pre-existing nonconforming front yard setback.
2. The existing building is nonconforming because it does not comply with present minimum front yard setback requirements in an R-8/4 Residential District.
3. Both proposed additions will extend horizontally from the existing building and will be no further into the front setback area than exists presently; and therefore the additions do not increase the existing nonconformity.
4. The proposed additions otherwise conform to all the dimensional requirements of the Bylaws.
5. The proposed additions are consistent with the Master Plan and are in harmony with the general purpose and intent of the Zoning Bylaws.
6. The proposed additions otherwise comply with the applicable requirements of the Zoning Bylaws.
7. The proposed additions are appropriate for the site and will not be more detrimental or injurious to the neighborhood than the existing nonconforming condition.

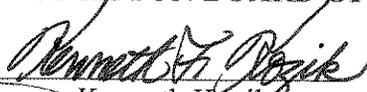
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **SPECIAL PERMIT** subject, however, to the following **condition**:

- A. The proposed additions shall be built substantially in accordance with the Plans submitted with the Petition and contained in the file.

Any person aggrieved by the decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (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

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on December 29, 2006.


Cheryl Wrazier, Secretary
Board of Appeals
Decision #06-11

EFFECTIVE DATE OF SPECIAL PERMIT: No Special Permit, or modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, it has been dismissed or denied.

EXPIRATION DATE OF SPECIAL PERMIT: This Special Permit must be exercised within two (2) years of its effective date.