



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:** August 19, 2016
From: Planning Department
Subject: Special Permit #16-09
122 Willow Street – Construction of Addition on Nonconforming Lot in Excess of 15%
(Zoning Bylaw Section 8.1.5)

Location: 122 Willow Street

Map/Parcel: G1-160

Owner/Applicant: Nabil Meziani

Zoning: Residence 2 (R-2)

Existing Gross Floor Area of Dwelling: 2,189 ft²^[1]

15% Permitted by-right: 328.35 ft

Proposed Square Feet of New Construction Requested: 1,857.9 ft² (84.8%)

Hearing Date: September 12, 2016

Decision Due: December 11, 2016

^[1] *Note: the measurements as shown on the Applicant's plot plan differ slightly from those that appear on the Assessor's Card and the Applicant's description of the proposed addition, as represented in the table below:*

Existing Gross Floor Area (Assessor's Card)		Proposed Addition (as Described by Applicant)	
<i>First Floor</i>	<i>1,025 ft²</i>	<i>Second Floor Addition</i>	<i>984 ft²</i>
<i>Basement</i>	<i>1,025 ft²</i>	<i>2-Car Garage</i>	<i>653.4 ft²</i>
<i>Finished Porch</i>	<i>112 ft²</i>	<i>Deck</i>	<i>190 ft²</i>
<i>Total</i>	<i>2,162 ft²</i>	<i>Total</i>	<i>1,812 ft²</i>
15% Allowed By-Right		Proposed Square Feet of New Construction Requested	
<i>324.3 ft²</i>		<i>1,812 ft²</i>	

The existing Gross Floor Area is noted above. 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 exceeds this threshold, as noted above. Therefore, the proposed expansion requires a special permit under Section 8.1.5. All numbers are shown on the architectural plan.

The proposed addition meets rear and side yard setbacks as required under the Zoning Bylaw for the R-2 Zoning District. The Planning Department has no objection to granting the requested special permit. The application was distributed for departmental review and comments on August 4, 2016.

The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 8.1.5 and 10.3.5. If the special permit is granted, the decision should include findings, conditions and limitations as follows:

1. A clear indication of the allowed expansion in square feet and percent.
2. That any future additional expansion requires an amendment of the special permit (or a new special permit).
3. That the Petitioner must 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.
4. That all taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full before the issuance of a building permit.
5. That the special permit conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
6. That the Town of Acton may elect to enforce compliance with the special permit using any and all powers available to it under the law.
7. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.
8. That the Board reserves its right and power to modify or amend the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.