



**TOWN OF ACTON**  
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**Zoning Enforcement Officer**

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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Chairman & Members of the Board  
Zoning Board of Appeals  
**Date:** September 3, 2014

**From:** Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner

**Subject:** Special Permit #14-08  
Zoning Bylaw Section 8.1 – Nonconforming Lots  
Construction of Addition on Nonconforming Lot in Excess of 15% (§8.1.5)

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Location: 42 Pope Road, Acton, MA 01720  
Petitioner: John Keramaris, 42 Pope Road, Acton, MA 01720  
Owner: John Keramaris, 42 Pope Road, Acton, MA 01720  
Engineer: Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720  
Architect: E.J. Rempelakis Associates, Suite 201, 179 Great Road, Acton, MA 01720  
Zoning: Residence 8 (R-8)  
Groundwater Protection District Zone 4  
FAR Requirements: Existing Dwelling: 2,024 ft<sup>2</sup> (Based on information obtained from the Town of Acton's Assessor's Office)  
15% Permitted by-right: 303 ft<sup>2</sup>  
Total Proposed Square Feet of New Construction: 1,022 ft<sup>2</sup>  
Proposed Use: Single Family Residential Dwelling  
Registry of Deeds: Deed Book – 08543; Page – 0204  
Map/Parcel: G5-5  
Hearing Date: September 8, 2014  
Decision Due: December 7, 2014

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**Introduction:**

The petitioner, Mr. John Keramaris, is requesting a Special Permit in order to allow for the construction of a new addition to the side/rear of an existing single family residential dwelling. Mr. Keramaris recently purchased the property with the intent of renovating and expanding the home and making it his personal family's residence. The overall total proposed expansion consists of two (2) separate spaces, both of which are one-story additions. One of the additions (approximately 22'-0" x 5'-0") will create a new enclosed front entry into the home as well as expand the size of existing Bedroom #2. The second addition, and the substantially larger of the two additions being proposed, is approximately 24'-0" x 38'-0" and will create a new Master Bedroom Suite and a 2-car garage. There is also an existing enclosed screened porch which will be converted into interior living space and will become a Master Bathroom and walk-in closet. There is no new below-grade basement space proposed. The overall proposed new square footage is 1,022 square feet, which is in excess of the 15% permitted as-of-right under Section 8.1.4 of the Zoning Bylaw. The subject

property is classified and determined to be a nonconforming lot due to insufficient lot frontage and lot area. As per the Town of Acton Assessor's Office information, the existing structure was constructed in 1954.

Relevant zoning information for the subject site/property is summarized in the following table:

<b>By-Law Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Min. Lot Area (ft <sup>2</sup> ) *	80,000 ft <sup>2</sup>	22,066 ft <sup>2</sup> *	22,066 ft <sup>2</sup> *
Min. Lot Frontage (ft) **	200'-0"	143.56' **	143.56' **
Min. Front Yard (ft) – Pope Rd	45'-0"	Unknown	51.9'
Min. Front Yard (ft) – Brabrook Rd	45'-0"	35.5'	35.5'
Min. Side/Rear Yard (ft)	20'-0"	Unknown	39.6'
Min. Side/Rear Yard (ft)	20'-0"	Unknown	Unknown (>20'-0")
Max. Building Height (ft)	36'-0"	Unknown (< 36'-0")	Unknown (< 36'-0") ***

\* Due to the subject property only having 22,066 ft<sup>2</sup> of total overall Lot Area, the Lot is therefore nonconforming.

\*\* Due to the subject property only having 143.56' of total overall Lot Frontage, the Lot is therefore nonconforming.

\*\*\* It is unclear from the architectural plans submitted for review what the actual height of either the existing dwelling or the height of the new addition currently is and or will be. Knowing that the existing home and proposed addition are only one (1) story in height, it can be concluded that both the existing dwelling and the new proposed addition would not exceed the 36'-0" maximum height limitation.

	<b>Existing</b>	<b>15%</b>	<b>Proposed</b>	<b>Additional</b>
Gross F.A.R. (Floor Area Ratio) as of April 1, 2012	2,024 ft <sup>2</sup> *	303 ft <sup>2</sup> **	1,022 ft <sup>2</sup> ***	719 ft <sup>2</sup> ****

\* This number is based upon information obtained from the Town of Acton's Assessor's Office and indicated on the drawings submitted by the Applicant. It is a best estimation of the actual gross square footage of the existing structure. Due to the Lot being nonconforming, this is the number which reflects the existing gross square footage of the dwelling which was in existence as of April 1, 2012 as required under Zoning Bylaw Section 8.1.4.

\*\* Based upon the requirements set forth in Section 8.1.4 of the Zoning Bylaw, this would signify the maximum amount of square footage permitted to be built through the administrative approval of a building permit.

\*\*\* This number is a cumulative total of all of the proposed new construction which must be counted under Section 8.1.4 of the Zoning Bylaw.

\*\*\*\* This is the difference in square footage proposed above and beyond the 15% maximum permitted by right.

### **Applicable Town of Acton Zoning Bylaw Sections:**

- 8.1.4 Extensions, alterations or changes of Single- and Two-Family Dwellings on Nonconforming Lots – One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15 percent of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that LOT became nonconforming, whichever is later.
- 8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.