



TOWN OF ACTON
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Planning Department

MEMORANDUM

To: Zoning Board of Appeals **Date:** December 28, 2015
From: Kristen Guichard, AICP, Assistant Town Planner *KSG*
Subject: Special Permit #15-17
4 Larch Road – Construction of Addition on Nonconforming Lot in Excess of 15% (Zoning Bylaw Section 8.1.5)

Location: Corner of Larch Road and Balsam Drive; Street address is 4 Larch Road

Map/Parcel: E3-53 and E3-48

Petitioner: Michael Schick

Owner: Michael S. Schick and Kelley A. Schick

Zoning: Residence 4 (R-4)

Existing Gross Floor Area of Dwelling: 1,670 ft²

15% Permitted by-right: 250.5 ft²

Proposed Square Feet of New Construction Requested: 932 ft² (or 55.8%)

Hearing Date: January 4, 2016

Decision Due: April 3, 2016

Mr. Schick requests a Special Permit under Section 8.1.5 of the Zoning Bylaw to allow for the second-story expansion of an existing single family residential dwelling located on a non-conforming lot. In an email dated December 21, 2015, the Applicant confirms that first floor dining room bump out shown on the plan is not being proposed at this time (please see attached). The subject property is classified as a nonconforming lot due to insufficient lot area. The required lot area in the R-4 Zoning District is 40,000 square feet; the property in question only has 38,768.4 square feet. Although the structure has a non-conforming front yard setback (33.5 feet where 45 feet is required), the proposed second story addition is a vertical extension which is allowed by-right under Zoning Bylaw Section 8.3.2.

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 have been certified by an architect.

The proposed addition meets rear and side yard setbacks as required under the Zoning Bylaw for the R-4 Zoning District and is a vertical extension of the existing non-conforming front yard setback. The Planning

Department has no objection to granting the requested special permit. The application was distributed for departmental review and comments on 12/11/15. The plans show three bedrooms and one office; the house is currently restricted to 3 bedrooms per the Board of Health requirements.

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.

From: Mike Schick [mailto:schick7802@gmail.com]
Sent: Monday, December 21, 2015 11:41 AM
To: Kristen Guichard
Cc: Planning Department
Subject: Re: 4 Larch Road Application for Special Permit

We are not planning to move forward with the small addition off to the side. At this point the second floor addition is all we can afford and is the highest priority. The dinning room bump out was a nice to have and we wanted the plans drawn up to accommodate it in the future should we ever want to pursue it. This optional piece is also not counted in any of the square footage calculations. We had it on here mainly for engineering purposes down the road.

It does however, meet all set back requirements as it was only a 6x11 addition off to the side.

Thanks,

Mike

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Michael Schick
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