

BOARD OF APPEALS

Hearing # 15-17

**DECISION ON THE PETITION OF MICHAEL SCHICK
FOR A SPECIAL PERMIT UNDER SECTION 8.1.5
TO CONSTRUCT AN ADDITION AT 4 LARCH ROAD
WHICH WILL INCREASE THE SIZE OF THE RESIDENCE
BY MORE THAN 15 PERCENT**

The Acton Board of Appeals (the "Board") held duly noticed public hearings on January 4, 2016 and February 1, 2016, with regard to the Petition of Michael Schick for a **Special Permit** under Section 8.1.5 of the Zoning By-Law to add an addition to his home on a nonconforming lot at 4 Larch Road, increasing the "gross floor area" of the structure by more than 15%. Map E3/Parcel 53.

Present at the hearings were Richard Fallon, Acting Chairman; Adam Hoffman, Board Member; Suzanne Buckmelter, Alternate Board Member; Board Secretary Kim Gorman; Roland Bartl, Town Planner and Zoning Enforcement Officer; and Robert Hummel, assistant Town Planner. Also present were petitioner Michael Schick and members of the public.

Richard Fallon opened the meeting on January 4, 2016, and read the contents of the file into the record, which included the application with plans, as well as an interoffice memo from Kristen Guichard, Assistant Town Planner, stating that the Planning Department had no objection to granting the special permit. Mr. Schick explained his request for a special permit.

Board Member Adam Hoffman suggested that more detailed and clearer construction plans would be appropriate, and the applicant agreed to a continuance. The hearing was continued to February 1st.

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On February 1, 2016, the continued hearing was opened and the new construction plans presented, including plans contrasting the current layout and proposed layout of the home, with elevations, and photographs of the current building. Also, detailed "gross square foot" calculations were presented. Mark Flanagan, the builder, was present along with the petitioner Michael Schick and members of the public. It was noted that the required lot area in the district is presently 40,000 square feet, while this lot has approximately 38,700 square feet.

The Board voted to close the hearing.

The Board, after specifically making the mandatory findings under Section 10.3.5 of the By-Law, and finding that the project would not be substantially more detrimental to the neighborhood than the existing structure on the nonconforming lot, voted unanimously, 3-0, to GRANT the SPECIAL PERMIT, with the following conditions:

1. That the project comply with the set of plans submitted, unless the following conditions differ.
2. That the eave overhang not exceed 2 feet.
3. That the owner move the shed currently on the property at least two feet further back from the property line, so that it will be at least 20 feet back.

ACTON BOARD OF APPEALS

Richard Fallon, Acting Chairman

Adam Hoffman, Board Member

Suzanne Buckmelter, Alternate

Dated:

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I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on March , 2016.

Kim Gorman, Secretary
Board of Appeals

This decision, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that (1) 20 days have elapsed after the decision has been filed in the office of the Town Clerk and (2) either no appeal has been filed or an appeal has been filed within such time, has been recorded with the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.