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DECISION #18-03

**DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT WITH RESPECT TO
18 Maple Street**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, May 7, 2018 on the Petition of Ann and Kurt Brown for a **SPECIAL PERMIT** under Section 8.1.5 of the Zoning Bylaws to expand their home more than 15% of the current Gross Floor Area on a non-conforming lot. The new expansion will not increase the existing non-conformity. The house is located at 18 Maple Street.

Zoning Board of Appeal members present at the hearing were Ken Kozik, Member and Chairman; Jonathan Wagner, Member; and Adam Hoffman, Member. Also present were Roland Bartl, Planning Director, and Katelyn Huffman, Board of Appeals Secretary. Also present at the hearing were the petitioners, Ann and Kurt Brown.

Mr. Kozik opened the public hearing at 7:50PM. Ann and Kurt Brown, the Applicants, gave the Board an overview of their proposed project. Mrs. Brown informed the Board that they would like to add an addition to their small home that would provide more space in their kitchen, dining room and bedrooms. Mrs. Brown provided ample documentation illustrating the new expansion would square off the house's current footprint to achieve their goals. She informed the board that the current structure meets all setbacks and that the proposed expansion would also sit comfortably well within the minimum required setbacks.

Mrs. And Mr. Brown understood that any expansion over 15% of the existing Gross Floor Area would require a Special Permit from the ZBA.

Mr. Wagner moved to close hearing #18-03 at 8:00PM. Mr. Hoffman seconded the motion. The motion carried unanimously.

During Deliberation, the Board found that the Petitioners' request meets Zoning Bylaw 8.1.5., and the mandatory findings of 10.3.5.

Therefore, 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 8.1.5 of the Zoning Bylaws to expand their current home to increase space for bedrooms, dining room and kitchen.
2. The property is located at 18 Maple Street.
3. The proposed additions cannot be allowed without a Special Permit, because the pre-existing non-conforming lot has insufficient area and frontage to meet requirements specified in the Acton Bylaws.
4. The proposed additions will not be substantially more detrimental to the neighborhood than the existing **STRUCTURE** on the nonconforming **LOT**.
5. The proposed additions are:
 - (a) consistent with the Master Plan and in harmony with the general purpose and intent of the Zoning Bylaws;
 - (b) appropriate for the site and will not be more detrimental or injurious to the neighborhood;
 - (c) otherwise comply with the applicable requirements of the Zoning Bylaws.
6. The Board of Appeals found the application met all the mandatory findings under section 10.3.5 for a Special Permit.

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 **conditions**:

- The expanded structure is to be built substantially as shown in the plans submitted by Mrs. and Mr. Brown to the Board as of May 7, 2018.

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



Ken Kozik
Chairman

Adam Hoffman
Member

Jonathan Wagner
Member