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## BOARD OF APPEALS

Hearing #20-06

### DECISION ON PETITION FOR A SPECIAL PERMIT WITH RESPECT TO

**3 Wood Lane, Acton, MA**

A public hearing of the Acton Zoning Board of Appeals was held on Tuesday, May 5, 2020 at 7:07pm on the petition of Christian Lanciaux for a Special Permit under Section 8.1.5 of the Acton Zoning Bylaw to demolish an existing one-story garage and construct a new, two-story +/- 860 square foot garage in approximately the same location.

The Applicant seeks relief from sections 8.1.3 and 8.1.4 of the Zoning Bylaw. The garage is in excess of the 15% permitted by-right allowance. According to the petitioners, the existing one-story garage has a total of 440 sq. ft. while the proposed new garage (and second floor) will have a total of 860 sq. ft.

The subject property is classified as a non-conforming lot in a R-2 zoning district. It is located at 3 Wood Lane, Map/Parcel F3-A-58.

Due to COVID-19 concerns, the hearing was conducted virtually with all participants following the Town's remote access guidelines.

Present at the hearing were Ken Kozik, Chairman, Adam Hoffman, Member, Scott Robb, Member, Roland Bartl, Planning Director, Kristen Guichard, Senior Planner, Robert Hummel, Assistant Town Planner, and Vivian Birchall, Administrative Assistant to the Board of Appeals and the Planning Department. Also present were the petitioner, Christian Lanciaux, and home owners Jim and Carol Nagle.

Mr. Kozik opened the hearing, explained how the Board procedurally operates and asked the petitioners to begin.

The petitioner said that the Board of Appeals previously granted a Variance on April 23, 2020, for relief from side and rear property lines, and that he is now required to submit a Special Permit application since the lot is non-conforming.

The petitioner explained that the home owners are looking to demolish an existing one story garage to construct a new, two-story garage on the same site. The proposed new garage will actually have a slightly smaller footprint than the existing garage. However, the proposed construction exceeds the 15% allowable floor area limit, thus a Special Permit under Section 8.1.5 of the Zoning Bylaw is required for construction.

The petitioner submitted and reviewed several detailed architectural drawings depicting the proposed location of the new construction. The proposed construction meets all Zoning Bylaw setbacks.

The new, two-story garage emulates the architectural details of the existing home, which is located within the Acton Center Historic District. The petitioner said they met with and received approval from the HDC to proceed with the project based on the submitted drawings. A memo submitted by HDC to the Planning Division confirms HDC's approval to demolish the existing garage and replace it with a new, two-story garage.

The application was distributed for departmental review and comments prior to the May 5 hearing. The Planning Division had no objection to granting the requested special permit with incorporating recommended conditions and limitations. The Acton Water District and Fire Department reviews had no additional comments. The Health Division had no objections, while reminding the petitioner that any new slab/foundation must meet all Title 5 and Acton Board of Health regulation setbacks must be maintained (10 feet from slab foundation to all components).

There being no questions from the board or the public, Mr. Hoffman moved, Mr. Robb seconded to close the public hearing. The vote was unanimous (3-0). The hearing closed at 7:21pm.

The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 8.1.5 and 10.3.5.

Acton Zoning Bylaw 8.1.5 States:

*In all other cases, the Board of Appeals may, by special permit, allow such construction of, or extension, alteration or change to a Single- or Two-FAMILY residential STRUCTURE on a nonconforming LOT, including the reconstruction anywhere on the lot of a larger structure than otherwise allowed under Section 8.1.3, 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.*

Acton Zoning Bylaw 10.3.5 States:

*Mandatory Findings by Special Permit Granting Authority – Except for a Site plan Special Permit, the Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed USE:*

- *10.3.5.1. Is consistent with the Master Plan.*
- *10.3.5.2. Is in harmony with the purpose and intent of the Bylaw.*
- *10.3.5.3. Will not be detrimental or injurious to the neighborhood in which it is to take place.*
- *10.3.5.4. Is appropriate for the site in question.*
- *10.3.5.5. Complies with all applicable requirements of this Bylaw.*

During deliberation, the Board discussed the project's consistency with the master plan, whether it complied with the bylaws, and whether it was appropriate for the site in question. After Board discussion, Mr. Hoffman moved and Mr. Robb seconded to grant the special permit, with conditions that the project be built substantially as presented at the meeting. The motion carried unanimously (3-0), at 7:23pm.

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 Acton Zoning Bylaw to demolish an existing one-story garage and construct a new, two-story +/-860 square foot garage in approximately the same location. The property is located at 3 Wood Lane, Acton, MA, Map/Parcel F3-A-58.
2. The proposed garage with attic is not more detrimental to the neighborhood.
3. The proposed garage with attic meets the mandatory findings of section 10.3.5 of the Zoning Bylaw.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously (3-0) to **Grant** the Special Permit with the following Conditions:

- The development shall be executed substantially as presented in the most recent plans used during the May 5, 2020 meeting.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

**TOWN OF ACTON BOARD OF APPEALS**



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Kenneth F. Kozik, Chairman

Adam Hoffman

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R. Scott Robb

Special Permit Hearing #20-06 3 Wood Lane

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Kenneth F. Kozik, Chairman

Adam Hoffman

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R. Scott Robb

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Kenneth F. Kozik, Chairman

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Adam Hoffman

*R. Scott Robb*

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