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**MINUTES OF THE HEARING ON THE PETITION
5 HARVARD COURT, SPECIAL PERMIT**

HEARING #14-03

A public hearing of the Acton Board of Appeals was held on Monday, June 2, 2014 at 7:00 pm in Room 126 of the Acton Town Hall on the petition of Michael Murphy for a SPECIAL PERMIT under Section 8.2.3 of the Zoning By-law to allow the construction of a first floor bedroom and bathroom on the back of an apartment building located at 5 Harvard Court. Map E5/Parcel 32.

Present at the hearing were Ken Kozik, Chairman; Jonathan Wagner, Member; Richard Fallon, Member; Scott Mutch, Zoning Enforcement Officer; Cheryl Frazier, Board of Appeals Secretary and petitioner Michael Murphy.

Ken Kozik opened the hearing and read the contents of the file which included an abutters list with returned green cards for certified mail, a legal ad, a public hearing notice, a third party billing authorization for the legal ad, an interoffice memo from the Zoning Enforcement Officer and the Engineering Department, an application, plans of the existing structure and the proposed addition, and a plot plan.

Ken asked the petitioner to begin. Michael Murphy said he is here tonight to get permission from the Board of Appeals to add a bedroom and a bathroom to the existing structure for his mother who owns the property and is aging so she has difficulty going up the stairs. They need zoning approval to do this so that is why they are here tonight.

Ken asked Scott about the use of the property.

Scott Mutch, Zoning Enforcement Officer said it's a non-conforming use. This property is zoned RA which under Section 5.3.2.1 allow residential uses at five units per acre. This property has four units on a half acre property so the multifamily use is what's non-conforming. Under Section 8.2.3 of the bylaw it talks about extending a non-conforming use. It allows you to expand it with a Special Permit.

Jon Wagner had some questions for Scott. Jon thought what the petitioner was asking for was an extension of use. Rich commented that he's not adding an additional unit. It's the same unit. He just wants to make it bigger in the back. He's extending the building but not the use. Ken said they have four units on a half acre, so they have a non-conforming use so he's extending the non-conforming use by adding a bedroom and a bathroom.

Scott added that the necessity for this is because unfortunately the mother is at a point in her life where climbing stairs is not realistic anymore. Ken asked if the proposed addition would still comply with the setback. Scott said it will move closer to the setback but it will still comply.

The hearing was closed.

After deliberating, the board voted unanimously to **GRANT** the **SPECIAL PERMIT** with the condition that it is built as substantially shown on the plans submitted.

Richard Fallon to write.

Respectfully submitted,



Kenneth F. Kozik
Chairman, Board of Appeals


Cheryl Fraizer,
Secretary, Board of Appeals