

RECEIVED

JUL 19 2017

TOWN CLERK
ACTON



DECISION #17-05 8 Laurel Court

**DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT WITH RESPECT TO
8 Laurel Court**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, June 6, 2017 on the Petition of Lihong Gao and Masao Kinoshita for a **SPECIAL PERMIT** under Section 8.1.5 of the Zoning Bylaws to add a second story addition and garage to an existing home on a non-conforming lot. The new additions will not increase the existing non-conformity. The house is located at 8 Laurel Court.

Present at the hearing were Jonathan Wagner, Chairman; Ken Kozik, 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 Lihong Gao and Masao Kinoshita, the petitioners.

Mr. Wagner opened the public hearing at 7:35 PM. Lihong Gao and Masao Kinoshita, the applicants, described their proposed addition to the Board. They informed the Board that the house was in foreclosure and is in terrible condition. In order for it to be livable, it would need to be completely renovated and they would like to add a second floor and garage while undertaking those renovations. The proposed increase of building area would be 92%. The applicants agreed to revise their plans so that the front steps are not covered, as per the Planning Department's memo.

Mr. Wagner asked what kind of siding would be used and also noted that without the garage the addition would only be a 63% increase. Ms. Gao informed the Board that it would be vinyl siding. Mr. Kozik expressed concern regarding the size of the expansion. He felt that the 92% increase was too large and would feel more comfortable with a smaller increase of size. He asked the applicants if they would be willing to sacrifice the proposed garage. The applicants felt that they could not live without the garage due to the New England weather.

The neighbors were in support of the addition as proposed.

Mr. Kozik moved to close hearing #17-05 at 8:00PM. Mr. Hoffman seconded the motion. The motion carried unanimously.

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 add a second story and garage to an existing structure without increasing existing non-conforming conditions.
2. The property is located at 8 Laurel Court.
3. The proposed second story and garage additions are nonconforming because they do not comply with present lot area and frontage 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 is 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 complies with the applicable requirements of the Zoning Bylaws.

Mandatory Findings: 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**:

1. Must be in compliance with most recently submitted plans filed on June 5, 2017
2. Must remove the covering of the front stairs
3. The applicant can expand the dwelling unit by the proposed 92.32%.

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



Jonathan Wagner
Chairman

Ken Kozik
Member

Adam Hoffman
Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on _____, 2017.

Katelyn Huffman, 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 South 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.