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DECISION #17-07 5 Huron Road

**DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT WITH RESPECT TO
5 Huron Road**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, September 11, 2017 on the Petition of Karen and Patrick Dunn for a **SPECIAL PERMIT** under Section 8.3.3 of the Zoning Bylaws to enclose an existing deck and utilize the space as an extension of an existing family room onto an existing home on a non-conforming lot. The new enclosed deck will not increase the existing non-conformity. The house is located at 5 Huron Road.

Present at the hearing were Ken Kozik, Chairman; Jonathan Wagner, Member; and Adam Hoffman, Member. Also present were Robert Hummel, Assistant Town Planner; and Katelyn Huffman, Board of Appeals Secretary. Also present at the hearing were Karen and Patrick Dunn, the petitioners.

Mr. and Mrs. Dunn gave an overview of their proposed addition. They explained that they want to enclose their existing deck and convert it into additional family room space. They also informed the board that all windows, siding, and other material would match what is currently there. The Dunns provided written explanations of the proposed family room extension, and also provided pictures showing the proposed addition (accomplished by enclosing an existing deck) with sight lines, etc.

Mr. Kozik opened the meeting to public comment. Mr. and Mrs. Funk, of 34 Oneida Road, voiced their support for the project.

Mr. Hoffman moved to close the public hearing. Mr. Wagner 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 8.3.3 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 5 Huron Road.
3. The proposed enclosed deck is nonconforming because it does not comply with present lot area, setback, 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 enclosed deck is:
 - (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**:

- Must be in compliance with most recently submitted plans filed on September 11, 2017.
- Must be in compliance with the pictorial examples presented on September 11, 2017.

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.

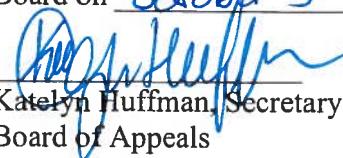
TOWN OF ACTON BOARD OF APPEALS


Jonathan Wagner
Member


Ken Kozik
Chairman


Adam Hoffman
Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on October 3, 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.