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**DECISION #15-17**

**Amendment #1**

**AMENDED DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT WITH  
RESPECT TO 4 Larch Road**

A public meeting of the Acton Board of Appeals was held in the Town Hall on Monday, October 1, 2018 on the Petition of Mr. Michael Schick for a **SPECIAL PERMIT** under Section 8.1.5 of the Zoning Bylaws to increase the size of a deck on a non-conforming lot. The house is located at 4 Larch Road.

The owners of 4 Larch Road were granted a Special Permit under Section 8.1.5 of the Zoning Bylaw to allow for the second-story expansion of an existing single-family residential dwelling located on a non-conforming lot in 2016. The owners are now proposing to replace an existing 4 x 6 foot deck + stairs with an 8 x 16 foot deck + stairs. The owners of 4 Larch Road were approved for a special permit to build 932 square feet and that equaled an expansion increase of 55.8%. The proposed Gross Floor Area increase will equal 104 square feet or 6.2% expansion of the existing house prior to the original special permit expansion.

Zoning Board of Appeal members present at the meeting were Ken Kozik, Chairman; Adam Hoffman, Member and Suzanne Buckmelter, Associate Member. Also present were Robert Hummel, Assistant Town Planner and Vivian Birchall, Administrative Assistant. The petitioner, Michael Schick was present as well as his architect Troy Hebert.

Mr. Kozik opened the public meeting at 7:30PM. Mr. Schick began by describing the proposed project. The applicant was looking to replace an existing 4 x 6 ft. deck with a new 8 x 16 ft. deck. Mr. Schick explained his request, the background of the existing house, and how the proposed expansions to replace the existing deck and enhance outdoor space would not conform to the Town's requirements without special permit consideration.

There were questions from the Board about the proposed deck's impact to the already non-conforming structure, the distance to the road, and how it would fit the requirements. Mr. Kozik asked about the Planning Division's opinion. Mr. Hummel reported that the Planning Division had no issues with the plans as shown.

In deliberation, the Board was not in agreement on whether the addition increases the non-

conformity, but members agreed any such increase in non-conformity would not be substantially more detrimental to the neighborhood. Board members discussed the requisite zoning bylaws and concluded the petition meets such findings.

Mr. Kozik made a motion to grant the amendment to Special Permit #15-17 with the conditions that the addition shall be built substantially as shown at the public meeting on October 1, 2018. Mr. Hoffman seconded the motion. The motion carried unanimously.

Mr. Hoffman moved to close the meeting #15-17. Ms. Buckmelter seconded the motion. The motion carried unanimously.

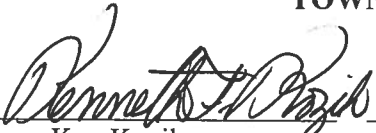
The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the meeting, finds that:

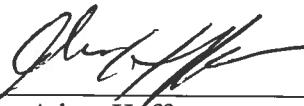
1. The Petitioner seeks a SPECIAL PERMIT under Section 8.1.5 of the Zoning Bylaws to expand a deck from 4x6 ft. to 8x16 ft.
2. The property is located at 4 Larch Road.
3. The proposed addition cannot be allowed without consideration of a Special Permit, because the pre-existing non-conforming lot has insufficient frontage and lot area to meet requirements specified in the Acton Bylaws.
4. The proposed addition may increase the existing non-conformity, but is not substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.
5. The proposed addition:
  - (a) is consistent with the Master Plan and in harmony with the general purpose and intent of the Zoning Bylaws;
  - (b) is 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.
  - (d) is minor in nature and may be approved without a public hearing by amending the original special permit #15-17.
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 Amendment to the **SPECIAL PERMIT** subject, however, to the following **conditions**:

- The new deck is to be built substantially as shown in the plans submitted by Mr. Schick to the Board as of October 1, 2018.

**TOWN OF ACTON BOARD OF APPEALS**

  
\_\_\_\_\_  
Ken Kozik  
Chairman

  
\_\_\_\_\_  
Adam Hoffman  
Member

  
\_\_\_\_\_  
Suzanne Buckmelter  
Associate Member

This decision, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision has been filed with the Town Clerk and 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.