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BOARD OF APPEALS

Hearing #16-09

**DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT
WITH RESPECT TO 122 WILLOW STREET**

The Acton Board of Appeals held a duly noticed public hearing on September 16, 2016 which was continued to November 7, 2016 and March 6, 2017 in the Acton Town Hall on the petition of Nabil Meziani, for a **SPECIAL PERMIT** under Section 8.1.5 of the Acton Zoning Bylaw to construct an addition in excess of 15% on a non-conforming lot. The property is located at 122 Willow Street (Map/Parcel G1-160).

Present at the hearing were Ken Kozik (Acting Chairman), Adam Hoffman (Member), and Suzanne Buckmelter (Alternate Member). Staff present included Robert Hummel, Assistant Town Planner, and Katelyn Huffman, Board of Appeals Secretary. Also present was the applicant, Nabil Meziani and his architect, Richard Schreiber.

Mr. Kozik opened the hearing at 7:35 PM, read the contents of the file explained how the Board operated and asked the petitioner to begin. Mr. Meziani requests a special permit under Section 8.1.5 of the Zoning Bylaw to allow for alterations to an existing single family dwelling located on a non-conforming lot. The owner proposes to construct a two-story addition consisting of a 1-car garage, living room, and office. The applicant was also seeking to construct a deck in the rear of the home.

The existing gross floor area of dwelling is 2,162 square feet. Under current zoning, the owners are permitted by right to expand up to 15% of the existing gross floor area of dwelling, or 324.3 square feet. The owners wish to expand by 1,391 square feet (63.5% increase).

Members of the Board asked questions regarding the proposed expansion. Mr. Kozik and Mr. Hoffman deemed that the project would be acceptable if the percentage increase was minimized by removing the proposed deck. Ms. Buckmelter opined that the deck was not visible from the street and did not add mass or scale and therefore did not support the requirement for the applicant to remove the deck from the plans.

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Reviewing the file, it was noted that the Planning Department and the Engineering Department submitted inter-departmental memos indicating no issues with the proposed expansion with suggested conditions. The Health Department indicated requirements.

With no further input, Mr. Kozik then made a motion to close the public hearing. Mr. Hoffman seconded the motion. The Board unanimously voted to close the hearing.

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 construct an expansion to an existing structure on a non-conforming lot. The subject property is located at 122 Willow St.
2. The existing lot is nonconforming because it does not comply with present frontage requirements nor the lot size requirements for the R-2 zoning district specified in the Acton Bylaws.
3. The proposed expansion is consistent with the Master Plan and is in harmony with the purpose and intent of the Bylaw.
4. The proposed expansion is appropriate for the site and will not be detrimental or injurious to the neighborhood.

Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT the SPECIAL PERMIT** subject to the following conditions:

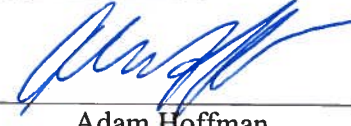
1. The expansion is to be erected substantially as shown in the plans contained in the file on March 6, 2017 with the exception of the proposed deck which was not approved by the Board and must be omitted.
2. Must comply with all requirements stated in the Health Department Memo dated February 28, 2017.
3. Prior to framing, the applicant shall submit a certified foundation as-built plan showing the required front and side setbacks.

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



Ken Kozik
Chairman



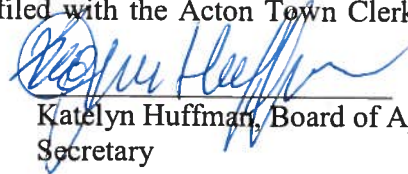
Adam Hoffman
Member



Suzanne Buckmelter
Member

Dated: March 27, 2017

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on 3/28, 2017.



Katelyn Huffman, Board of Appeals
Secretary

EFFECTIVE DATE OF SPECIAL PERMIT: No Special Permit, or modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, it has been dismissed or denied.

EXPIRATION DATE OF SPECIAL PERMIT: This Special Permit must be exercised within two (2) years of its effective date.

