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TOWN CLERK
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DECISION #18-02

DECISION ON THE PETITION OF MARK SULLIVAN, 3 TAYLOR ROAD

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, May 7, 2018 on the application of Mark Sullivan for a **SPECIAL PERMIT** under Section 8.3.3 and Section 10.3 of the Zoning Bylaws to allow an addition to be built on an existing building within the pre-existing nonconforming front yard setback at 3 Taylor Road, Map/Parcel F3A-78-1.

Present at the hearing were Kenneth Kozik, Chairman; Jonathan Wagner Member; and Adam Hoffman, Member. Also present were Katelyn Huffman, Board of Appeals Secretary; and Roland Bartl, Town Planner.

Chairman Kozik opened the hearing and read the contents of the file. In addition to the application (which included architectural plans), the file contained an Interdepartmental Communication from Roland Bartl, Town Planner stating that the lot is situate in an R-2 Zoning District, which presently requires a 30 foot front yard setback. The existing building is about 7.6 feet from the Main Street sideline and the proposed addition would be about 8.4 feet from the Main Street sideline. (The lot is a corner lot having sidelines on Main Street and Taylor Road and the proposed addition does not affect the front yard setback on Taylor Road, which is conforming.)

Chairman Kozik asked the Petitioner to explain his reasons for seeking the Special Permit. Mr. Sullivan explained that he was seeking a Special Permit to construct a 3-season porch on to his existing house, which is on a corner lot having frontage on both Main Street and Taylor Road. The existing house is 7.6 feet from the Main Street sideline and the proposed porch would be slightly less close to the Main Street sideline (8.4 feet).

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

1. The Applicant seeks a SPECIAL PERMIT under Section 8.3.3 of the Zoning Bylaws to allow an addition to be built on to an existing building which would extend the building horizontally within the pre-existing nonconforming front yard setback.
2. The site is located in an R-2 Residential District and is a corner lot having frontage on Main Street and Taylor Road.
3. The R-2 Zoning District presently requires a 30 foot front yard setback.
4. The existing building is 7.6 feet from the Main Street sideline and the proposed addition consisting of a 3-season porch would be 8.4 feet from the Main Street sideline. (The building setback on the Taylor Road sideline is conforming.)
5. Section 8.3.3 of the Zoning Bylaws provides that “A BUILDING, which is nonconforming with regard to any yard requirement may be extended horizontally within the dimension of its existing nonconformity by special permit from the Board of Appeals, provided that the extension otherwise conforms to all the dimensional requirements of this Bylaw, and provided further that the Board Appeals finds that such an extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the BUILDING”.
6. The proposed addition extends the building within the dimension of the existing nonconformity and will not be substantially more detrimental to the neighborhood than the existing nonconforming condition of the building.
7. The proposed addition 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.

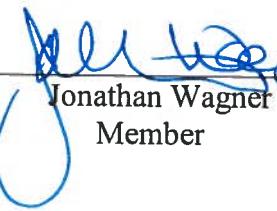
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **SPECIAL PERMIT** subject, however, to the following **condition**:

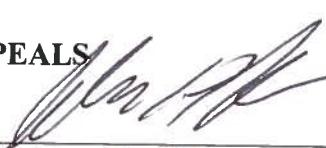
1. The proposed modification shall be constructed substantially in accordance with the most recently submitted plans

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


Kenneth Kozik
Chairman


Jonathan Wagner
Member


Adam Hoffman
Member

This Decision, Or Any Extension, Modification Or Renewal Thereof, Shall Not Take Effect Until A Copy Of The Decision Bearing The Of The Town Clerk And (2) Either No Appeal Has Been Filed Or An Appeal Has Been Filed Within Such Time, Has Certification Of The Town Clerk That (1) 20 Days Have Elapsed After The Decision Has Been Filed In The Office 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.