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BOARD OF APPEALS

Hearing # 24-05

DECISION ON PETITION TO GRANT A SPECIAL PERMIT WITH RESPECT TO

8 Orchard Drive

Map/Parcel E2-23, Residence 2 (R2) and Groundwater Protection District Zone 4.

Construction of an Addition on a Non-conforming Lot in Excess of 15%

A public hearing of the Acton Board of Appeals was held on Tuesday, November 4, 2025, on the petition of Kotaro Suzuki (homeowner) for a SPECIAL PERMIT under ZBL Section 8.1.5 (Construction of an Addition on a Non-conforming Lot in Excess of 15%) of the Acton Zoning Bylaw. The property is classified as a non-conforming lot due to insufficient frontage. The required frontage for the Residence 2 (R-2) zoning district is 150 feet. The frontage is 95 feet.

ZBL Section 8.1.5 states: *"In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a Single- or Two-FAMILY residential STRUCTURE on a nonconforming LOT, including the reconstruction anywhere on the lot of a larger structure than otherwise allowed under Section 8.1.3, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT."*

The Site currently consists of two structures: a single-family dwelling and a small shed. The new structure would include a 759-square-foot single-doored garage with storage space. The proposed garage would comply with the side, rear, and front yard setbacks and all other requirements of the R-2 zoning district.

The Gross Floor Area of the existing dwelling space is 2713 square feet including an unfinished basement. The addition of the proposed structure would add 759 square feet exceeding the 15% permitted by-right. This addition would bring the total to a 27.9% increase.

8 Orchard Drive
November 4, 2025

Therefore, the proposed expansion requires a special permit under Section 8.1.5.

The Planning Department had no technical concerns with the application.

The Engineering Department submitted a comment which states that the applicant would need a driveway permit if they plan to expand or construct a new driveway for the garage. No additional departmental comments were submitted.

The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 8.1.5 and 10.3.5. If the special permit is granted, the decision should include findings, conditions and limitations as follows:

1. A clear indication of the allowed expansion in square feet and percent.
2. That any future additional expansion requires an amendment of the special permit (or a new special permit).
3. That the Petitioner must record the decision at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the site.
4. That all taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full before the issuance of a building permit.
5. That the special permit conditions have been stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
6. That the Town of Acton may elect to enforce compliance with the special permit using any and all powers available to it under the law.
7. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.
8. That the Board reserves its right and power to modify or amend the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.

Present at the hearing were Adam Hoffmann, Chairman, Scott Robb, Member, David Schena, Member and Edward Mullen, Building Commissioner Zoning Enforcement Officer.

The property owner Kotaro Suzuki represented himself.

The meeting started with a quick introduction. Kotaro Suzuki then presented the details for the proposed structure. Plot plans for where the new structure would be placed. In addition, he presented a neighbor diagram showing how this proposed structure would blend into the existing neighborhood.

There were a few questions from the board regarding existing floor space and the new storage space. These were promptly answered by Kotaro Suzuki.

The meeting was then opened to public comment:

The Blooms at 10 Orchard Drive stated they were in strong support of their neighbor's project. They also commented on all the additional work they had completed on the property to date.

After no additional public comments, the meeting was closed. The Board deliberated on the request for the special permit. After the board deliberation, the board voted unanimously to **GRANT** the special permit for 8 Orchard Drive. The board found that the proposed new structure would be:

10.3.5.1 Is consistent with the Town's Master Plan.

10.3.5.2 Is in harmony with the purpose and intent of this Bylaw.

10.3.5.3 Will not be detrimental or injurious to the neighborhood in which it is to take place.

10.3.5.4 Is appropriate for the site in question.

10.3.5.5 Complies with all applicable requirements of this Bylaw.

The only condition upon approval is the new structure matches the final plans submitted to the Town.

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

DocuSigned by:


Adam Hoffman

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Adam Hoffmann

Chairman

Robb Scott

Member

David Schena

Member

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