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MINUTES OF THE HEARING ON THE PETITION BY

HEARING # 12-04

KEITH HENDERLONG, 154 WILLOW STREET

A public hearing of the Acton Board of Appeals was held on Monday, December 3, 2012 at 7:30 PM in Room 126 of the Acton Town Hall on the petition of Keith Henderlong, for a **SPECIAL PERMIT** under Section 8.1.5, 8.3.2, and 8.3.3 of the Acton Zoning Bylaw to construct an addition to an existing non-conforming structure on a non-conforming lot. The property is located at 154 Willow Street. Map G-1/Parcel 308-1.

Present at the hearing were Ken Kozik, Chairman; Marilyn Peterson; Member; Jonathan Wagner, Member; Cheryl Frazier, Board of Appeals Secretary and Scott Mutch, Zoning Enforcement Officer. Also present at the hearing were petitioner Keith Henderlong and one abutter.

Ken Kozik opened the hearing, read the contents of the file which included an IDC from the Engineering Department. Ken asked the petitioner to begin.

Keith Henderlong began by stating that he is here to ask for a Special Permit to put an addition on his existing house. The property is zoned R-4. They have three children in elementary school and are looking to make the house bigger by adding an extra bedroom to accommodate their growing family. Ken asked the petitioner how large his current house is and how many square feet he's proposing to add. The petitioner said the house is currently 1,500 square feet and he's proposing 1,728 square foot addition to include a garage and bedroom above. Ken asked the petitioner if the current home meets all the setbacks for zoning. The petitioner said it does not meet the setbacks for an R-4 zone.

Scott Mutch, Zoning Enforcement Officer said the lot is non-conforming and the structure is non-conforming with regards to the front setback. An R-4 zone has a 45' foot front setback and the current house is less than that, around 40' feet so the structure is non-conforming as well as the lot.

Ken asked the petitioner what the proposed addition setback would be. The petitioner responded that the setback for the proposed addition will match the non-conformity that now exists and it will not be any more non-conforming. Scott added that the addition is in line with the existing home. There is an existing landing with a roof that's being closed in to protect the entryway.

David Olden, an abutter from 157 Willow Street, identified himself and wanted to see what the petitioner was proposing. He looked at the plans and asked the petitioner and Ken Kozik a couple of questions.

Ken asked Marilyn if she had any questions. She did not. Jon said as he understands it, the addition is going on the side of the house and essentially the setback will not change, it will be

the same. So there is no issue on the side and rear of the structure as far as setbacks. Scott said that Jon's statement was correct with respect to the proposed addition.

Ken asked the petitioner if he feels that he's increasing the non-conformity. He feels he is not. He feels they are maintaining the non-conformity of the existing structure.

Ken asked Jon for his comments. Jon asked Scott which zoning bylaw section they are working under. Scott said they are working under Section 8.1.5. Scott addressed Jon's issues in regards to Section 8.1.5.

David Alden, abutter from 157 Willow Street, said he objects. It's his first look at this. He's not comfortable with it. He said the house is close to the road and there is a steep driveway so he feels the garage should be put further back on the lot. He feels there might be other options and he feels his wife would want to be involved with the decision and might have questions but she was unable to make tonight meeting. He added that he cannot sign off on this. He thinks the garage should be behind the driveway.

Scott asked the petitioner if he's on town sewer or septic. The petitioner responded that he has a septic tank and it's in the middle of the back yard. He needs the proposed addition to maintain the 20' foot setback from the septic tank. Scott said this somewhat limits the petitioner in where he can place the garage.

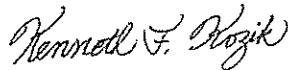
Marilyn moved to close the hearing. Ken seconded the motion. The hearing was closed.

The Board moved to **GRANT** the **SPECIAL PERMIT** with the following conditions:

- 1.) That it be erected substantially as shown in the plans submitted with the application, including the enclosure of the front entryway steps.**

Marilyn to write the decision.

Respectfully submitted,



Kenneth F. Kozik
Chairman, Board of Appeals


Cheryl Frazier
Secretary, Board of Appeals