



## BOARD OF APPEALS

Hearing # 14-02

### DECISION ON THE PETITION OF ADAM HOFFMAN FOR A SPECIAL PERMIT TO ALLOW AN ADDITION AT 70 MAPLE STREET

The Acton Board of Appeals (the "Board") held a duly noticed public hearing on February 3, 2014, with regard to the Petition of Adam Hoffman for a **Special Permit** under Section 8.1.5 of the Zoning By-law to allow construction of an addition in excess of 15% of the gross floor area of the current building to the rear of the dwelling located on a nonconforming lot at 70 Maple Street. Map H2A-16 & H2A-41-1.

Present at the hearing were Ken Kozik, Chairman; Richard Fallon, Member; Suzanne Buckmelter, Alternate; Scott Mutch, Zoning Enforcement Officer; and Board Secretary Cheryl Frazier. Also present was the petitioner Adam Hoffman, and abutter Karen Sonner.

Chairman Kozik pointed out for the record that Adam Hoffman is a member of the Acton Board of Appeals.

Petitioner Hoffman stated that in November 2012 this house came on the market. It was unoccupied and about to go into foreclosure. He and his wife purchased the home, which is three bedrooms and one bath. They are longtime Acton residents and wish to eventually live there. They hired an architect, had plans created, and then found out that the lot was nonconforming. The present addition in the back was put on around the 1980's, does not fit with the rest of the traditional structure and is unusable. They have secured the building, put in new windows and a new roof.

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Chairman Kozik pointed out that the proposed addition would be permissible as a matter of right if it did not exceed 15% of the gross floor area; because it does (it is 28.5%), a Special Permit is needed under Section 8.1.5 of the Zoning By-law. That section authorizes the Board to issue a special permit to allow such extension, alteration or change where it determines either the proposed modification does not increase the nonconformity, or if it does increase the nonconformity, the change will not be substantially more detrimental to the neighborhood than the existing structure on the nonconforming lot.

Chairman Kozik asked the petitioner, Mr. Hoffman, if he thought going up 28.5% made the building more detrimental to the neighborhood. Mr. Hoffman said that he did not believe so, the garage is staying as is, and nothing is changing on the front or side of the house. The neighbor, Karen Sonner, said she was thrilled with the plans of Mr. Hoffman for the house.

Alternate Buckmelter considered that the plans did not increase the nonconformity, while Chairman Kozik and Board Member Fallon considered that it did. All considered that the plans would not be substantially more detrimental to the neighborhood than the existing structure.

After the hearing was closed, the Board voted unanimously to **Grant the Special Permit**, with the condition that the work be done in accordance with plans submitted in conjunction with this hearing.

## ACTON BOARD OF APPEALS



Kenneth F. Kozik  
Kenneth F. Kozik, Chairman



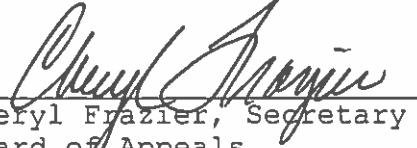
Richard Fallon  
Richard Fallon, Member



Suzanne Buckmelter  
Suzanne Buckmelter, Alternate

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on March , 2014.

  
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Cheryl Frazier, Secretary  
Board of Appeals

