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DECISION #17-03

**DECISION ON PETITION FOR GRANT OF SPECIAL PERMIT WITH RESPECT TO
929 MAIN STREET**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, March 6, 2017 on the Petition of Emilio Matarazzo and Kaitlin Hebert of EM & Sons, Inc., for a **SPECIAL PERMIT** under Sections 8.1.5 and 10.3.5 of the Zoning Bylaws to add a garage and sunroom to an existing property on a non-conforming lot. The house is located at 929 Main Street.

Present at the hearing were Ken Kozik, Chairman; Suzanne Buckmelter, Member; and Adam Hoffman, Member. Also present were Kristen Guichard, Assistant Town Planner, Robert Hummel, Assistant Town Planner and Katelyn Huffman, Board of Appeals Secretary.

Mr. Kozik opened the public hearing at 8:35 PM and introduced the Board to the audience. Emilio Matarazzo, of EM & Sons, Inc. introduced himself to the Board. He informed the Board that the applicant proposes to add a garage and small sunroom to her property. Her property is considered nonconforming due to lack of square footage that is required by the Zoning Bylaw. The proposed addition would exceed the allowed by-right allotment of 15% under 8.1.5 of the Zoning Bylaw. Ms. Buckmelter asked if the garage and sunroom exterior materials would match the current structure. Mr. Matarazzo informed the Board that it would.

Ms. Buckmelter made a motion to close Hearing #17-03. Mr. Hoffman seconded the motion. The motion carried unanimously.

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 Zoning Bylaw to add a garage and sunroom to a non-conforming lot.
2. The property is located at 929 Main Street.
3. The existing lot is nonconforming because it does not comply with the lot size requirements for the R-2 zoning district specified in the Acton Bylaws.

4. The proposed additions will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.
5. The proposed additions are:
 - (a) consistent with the Master Plan and is in harmony with the general purpose and intent of the Zoning Bylaw;
 - (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 Bylaw.
6. The application met all the mandatory findings under section 10.3.5 for a Special Permit.

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 **conditions**:

- Must be in compliance with most recently submitted plans filed on March 6, 2017.
- Must be in compliance with the Engineering Department Memo dated January 17, 2017.

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

Ken Kozik
Chairman

Adam Hoffman
Member

Suzanne Buckmelter
Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on March 27, 2017.

Katelyn Huffman, Board of Appeals
Secretary

This decision, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that (1) 20 days have elapsed after the decision has been filed in the office of the Town Clerk and (2) either no appeal has been filed or an appeal has been filed within such time, has 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.