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**BOARD OF APPEALS**

Hearing #19-09

**DECISION ON PETITION FOR A SPECIAL PERMIT  
WITH RESPECT TO  
2 Fletcher Court, Acton, MA**

A public hearing of the Acton Board of Appeals was held on Monday, July 1, 2019, at 7:35 PM in the Acton Town Hall on the petition of Garrett Moynihan for a Special Permit under Sections 8.1.5 and 10.3.5 of the Acton Zoning Bylaw to allow the demolition of an existing detached art studio (previously a one-car garage) and the reconstruction in its place of a detached two-car garage with 2nd floor located on a non-conforming lot.

The subject property is classified as a non-conforming lot based on insufficient frontage. The required lot area and frontage in the R-2 Zoning district is 20,000 square feet and 150 feet respectively. The property in question has 23,522+/- square feet of area (2 parcels in common ownership) and 100+/- feet of frontage. The property is located at 2 Fletcher Court, Acton, MA, Map H3-B, Parcels 51-2 and 70.

The existing Net Floor Area is 4,031 square feet and the proposed Net Floor Area is 5,025 square feet. Zoning Bylaw Section 8.1.3 allows for the reconstruction of a single-and two-family structure if the reconstruction does not exceed the existing Floor Area Ratio. The overall requested expansion in total exceeds the by-right Zoning Bylaw threshold. Therefore, the proposed expansion requires a special permit under Section 8.1.5. The proposed detached garage/2nd floor on the south side of the dwelling complies with front, side, and rear setback requirements for the R-2 zoning district. All numbers are shown on the architectural and plot plans.

Board of Appeals members present at the hearing were Ken Kozik, Chairman, Adam Hoffman, Member, R. Scott Robb, Member; Kristen Guichard, Senior Town Planner, and Vivian Birchall, Administrative Assistant were in attendance as well as the petitioner, Garrett Moynihan.

Mr. Kozik opened the hearing, viewed the contents of the file and explained how the Board procedurally operates.

The petitioner, Mr. Moynihan, presented an overview of the application including design, square footage and a comparison of existing structures in the neighborhood, and answered questions raised by the board. Mr. Moynihan said there was an existing detached art studio (formerly a one car garage) that was no longer safe and needed to be demolished. In its place, he is requesting a Special Permit to reconstruct the building as a detached two car garage with a second floor. The Board had questions regarding architectural drawings and exterior materials. Mr. Moynihan said the reconstructed garage would use materials as depicted on the drawings provided at the hearing.

Mr. Hoffman moved and Mr. Robb seconded to close the public hearing. The public hearing was closed at 7:44pm

During deliberation, the Board expressed their conclusion from the hearing, stating they would approve the Special Permit. Mr. Hoffman moved to approve the Special Permit with a second from Mr. Scott. The Board unanimously (3-0) voted to approve the Special Permit.

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

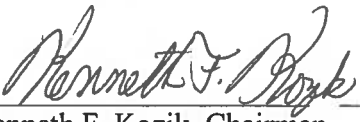
1. The Petitioner seeks a Special Permit under Sections 8.1.5 and 10.3.5 of the Acton Zoning Bylaw to allow the demolition of an existing detached art studio (previously a one-car garage) and the reconstruction in its place of a detached two-car garage with 2nd floor located on a non-conforming lot. The property is located at 2 Fletcher Court, Acton, MA, Map H3-B, Parcels 51-2 and 70.
2. The proposed reconstruction is not more detrimental to the neighborhood.
3. The proposed reconstruction meets the mandatory findings of section 10.3 of the Zoning Bylaw.


Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously (3-0) to **Grant** the Special Permit with the following Conditions:


- The development should be executed substantially as presented in the most recent plans used during the July 1, 2019 meeting.

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**

  
Kenneth F. Kozik, Chairman

  
Adam Hoffman

  
R. Scott Robb