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TOWN CLERK, ACTON

HEARING # 11-09

MINUTES OF THE HEARING ON THE PETITION BY

JILL GREGORY FOR A VARIANCE, 49 MAPLE STREET

A public hearing of the Acton Board of Appeals was held on Monday, July 11, 2011 at 7:30 PM on the petition of Jill Gregory for a SPECIAL PERMIT under Section 8.3.3 of the Zoning bylaw to allow a sunroom to be added to an existing non-conforming structure. The sunroom addition will be a horizontal extension within the dimensions of the existing non-conformity located at 49 Maple Street. Map H2A/Parcel 27.

Present at the hearing was Ken Kozik, Member; Richard Fallon, Alternate; Francis Mastroianni, Alternate; Scott Mutch, Zoning Enforcement Officer; along with owner and petitioner Jill Gregory.

Ken Kozik opened the hearing, read the contents of the file which included a memo from the Zoning Enforcement Officer, a locus map and a certified plot plan.

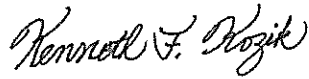
Ken asked the petitioner to begin and tell the Board why she is here tonight. Jill Gregory began by saying she wants to add a conservatory sunroom off the side of her house but her house doesn't conform to the setbacks because her house is closer to the road than what is allowed. But her porch goes out further than the sunroom will go out. Ken asked if her current structure is non-conforming with respect to the front setback and you want to build a structure that will not be more non-conforming. Ken asked Scott for comment. Scott began by saying the house as it exists is 12' feet from the front property line. It's an R-2 zoning district which requires a 30' foot front setback and the proposed conservatory sunroom will be 19.4' feet so it doesn't comply with the minimum of 30, it is 7.6' feet greater than what currently exists so yes it will be an extension of the non-conformity but no more detrimental or non-conforming than what already exists. The only other thing Scott would add is that in an R-2 zoning district there's a 10' foot side and rear setback and the proposed is over 22.5' feet so there's no conflict there. Ken asked the two other Board members if they had any questions. Rich was wondering if the lot was not non-conforming what would the petitioner be looking for. Ken responded saying they would be looking for a Variance. Fran Mastroianni asked if there would be a foundation or piles. He asked if they would be visible. She said she would probably put lattice or stones around the foundation of the house so it ties into the rest of the house. He then asked the petitioner about the proposed deck that's shown on the plan and she said they won't be doing that after all. Scott added that in an R-2 district the height limit is 36' feet. The proposed structure is a one-story with a pitched roof so there is no way that it wouldn't comply so he doesn't see a problem with that.

Ken Kozik moved to close hearing #11-09. Fran so moved and it was seconded by Richard Fallon. The hearing was closed. Fran Mastroianni to write the decision.

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

1. The structure built substantially in accordance with the plans submitted.
2. The proposed deck is not part of this addition and there is nothing granted with respect to that.
3. Some type of screening for the pilings that the structure will be supported with.
4. The structure should be built in a way that's harmonious with the architectural schemes of the neighborhood.

Respectfully submitted,



Kenneth F. Kozik

Chairman, Board of Appeals



Cheryl Frazier

Secretary, Board of Appeals