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BOARD OF APPEALS

Hearing # 15-04

**DECISION ON THE PETITION OF ANITA ROGERS
FOR A SPECIAL PERMIT TO CONSTRUCT A
TWO-CAR GARAGE ADDITION ON A
NONCONFORMING LOT AT 11 BERRY LANE**

The Acton Board of Appeals (the "Board") held a duly noticed re-scheduled public hearing on February 12, 2015, with regard to the Petition of Anita Rogers for a **Special Permit** under Section 8.1.5 of the Zoning By-Law to allow for the construction of a 26' x 26' two car garage addition on a nonconforming lot at 11 Berry Lane which would enlarge the existing structure by more than 15%. Map G4/Parcel 164.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Board Member; Francis Mastroianni, Alternate Member; Scott Mutch, Zoning Enforcement Officer; Board Secretary Cheryl Frazier; Anita Rogers, architect and petitioner.

Chairman Wagner opened the meeting, and read the contents of the file into the record. Anita Rogers, architect, spoke for the homeowners Lisa and Peter Moorman who are away on vacation. The owners wish to convert the existing garage into living space and add a new garage. The lot is nonconforming due to insufficient frontage only. This proposed added garage will increase the size of the structure by more than 15%, thereby triggering the need for a special permit. A letter of support from abutters was submitted, as well as photos of surrounding properties.

Board members Wagner and Fallon considered that this proposed addition will increase the non-conformity, but that the addition is not detrimental; while Board member Mastroianni did not consider the nonconformity increased, and also found the addition not detrimental.

The Board makes the mandatory findings under Section 10.3.5 of the Zoning By-law for a special permit concerning the proposal. The Board also finds that the modification will not be substantially more detrimental to the neighborhood than the existing structure.

The Board votes unanimously to **GRANT** the **SPECIAL PERMIT** for hearing #15-04 for the addition at 11 Berry Lane, with the following conditions:

1. That the construction conform to the plans submitted;
2. That the height of the new garage not exceed sixteen (16) feet.

ACTON BOARD OF APPEALS


Jonathan Wagner, Chairman


Richard Fallon, Board Member


Francis Mastroianni, Alternate

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on March **31**, 2015.


Cheryl Frasier, Secretary
Board of Appeals