



**ACTION ZONING BOARD OF APPEALS**  
**Minutes of Meeting**  
**7/1/2019**  
**7:30PM**  
**Acton Town Hall**  
**472 Main Street**  
**Room 204**

Board of Appeals members in attendance: Ken Kozik, Adam Hoffman, R. Scott Robb.  
Absent: Emilie Ying, Suzanne Buckmelter,  
Also present: Kristen Guichard, Senior Town Planner; Vivian Birchall, Administrative Assistant

**1. Opening**

Chair, Ken Kozik opened the meeting at 7:30 p.m.

**2. Regular Business**

**I. Approve previous meeting minutes**

After review of 6/20/2019 minutes, Mr. Hoffman moved, and Mr. Robb seconded and the board unanimously approved (3-0) the minutes.

**II. Officer Elections**

Mr. Hoffman moved to appoint Ken Kozik as Chair, Mr. Robb seconded. The Board Voted 2-0-1. (Mr. Kozik abstained). The motion carries.

Mr. Kozik moved to appoint Mr. Hoffman as Clerk, Mr. Robb seconded. The Board voted 2-0-1. (Mr. Hoffman abstained). The motion carries.

**III. Approvals of the amendment to the Comprehensive Permit Rules and Regulations Amendments to address storm water changes**

After review, the board unanimously voted, (3-0) to approve the amendments to the Comprehensive Permit Rules and Regulations Amendments to address storm water changes, as presented in the meeting.

**IV. Administrative Updates**

The planning staff informed the board that the next scheduled meetings are July 15, 2019 and August 5, 2019.

**3 New/Special Business**

**3.1 ZBA 19-09 –Public Hearing, 2 Fletcher Court Special Permit Application**

The Chair of the Board opened the public hearing at 7:35pm.  
He explained the public hearing process to the petitioner.

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

## **Deliberations**

After the discussion, the board determined that the project is consistent with the master plan and appropriate for the site in question. The Board determined that the application met the mandatory findings set forth in the bylaw. Mr. Hoffman moved, Mr. Robb seconded and the board unanimously voted (3-0) to approve the special permit with conditions that the project is built as presented at the public hearing.

Mr. Hoffman will write the Decision.

### **3.2 ZBA 19-07 – Continued Public Hearing - Comprehensive Permit Application for land located at 90 School Street, 4 Piper Lane, 4 Piper Lane Rear, and 6 Piper Lane Acton, MA, Map H3-A parcels 3, 3-1, 3-2, and 17.**

The Chair of the Board opened the public hearing at 8:00pm.

Mr. Adam moved, Mr. Scott seconded and the Board unanimously (3-0) voted to immediately continue, without hearing further testimony and without further deliberation or discussion, to July 15, 2019 at 7:30 PM in Town Hall, room 204

### **3.3 ZBA 19-10 – Public Hearing, 87 and 97 Piper Road and 1 Discovery Way Variance Application**

The Chair of the Board opened the public hearing at 8:30pm.

He explained the public hearing process to the petitioner.

The petitioner presented an overview of the application including design, square footage and comparison with neighborhood, and answered questions raised by the board

Members from the public expressed concerns about traffic and preservation of existing vegetation along Route 2.  
The applicant responded to the concerns.

## **Deliberations**

After the discussion, the board found that the application met the mandatory findings set forth in Section 10.5.5 of the Bylaw, based on the uniqueness of the shape of the lot. The Board determined that the expansion in FAR is consistent with the master plan and appropriate for the site in question. Mr. Hoffman moved, Mr. Robb seconded and the board unanimously voted (3-0) to grant the variance with conditions that the project is built as presented at the public hearing.

Mr. Scott will write the Decision.

## **4. Executive Session**

Mr. Kozik moved to enter into Executive Session at 9:10pm to discuss strategy with respect to litigation concerning a potential imminent, expedited, interlocutory appeal by the Board of Appeals to the Housing Appeals Committee (HAC) pursuant to 760 CMR 56.03(8)(c), 56.05(9)(c) and 56.06(7)(e)(11), challenging the “Safe Harbor” Decision of the Department of Housing and Community Development (DHCD) dated June 21, 2019, which appeal, if taken, must be filed within 20 days of the Board’s receipt of DHCD’s decision

Mr. Hoffman called roll

Mr. Kozik – Aye

Mr. Scott – Aye

Mr. Hoffman – Aye

Mr. Kozik noted that at the end of the executive session, the board will reconvene to open session only to adjourn.

## **5. Adjournment**

At 9:53pm, Mr. Hoffman moved and Mr. Robb seconded to adjourn the meeting.

The motion was approved unanimously (3-0). The meeting adjourned.

## Documents used

 07-01-19 - Meeting Information

File Selected...	Add...	Time	Created Date	Size	Actions
<input type="checkbox"/> 18-01 Piper Lane Comprehensive Permit Continued Public Hearing		planning	06/21/19	5	  
<input type="checkbox"/> 19-09 2 Fletcher Court Special Permit		planning	06/21/19	5	  
<input type="checkbox"/> 19-10 97 Piper Road Variance		planning	06/12/19	2	  
<input checked="" type="checkbox"/> 07-01-19 ZBA Agenda.pdf		planning	06/21/19	231KB	  
<input type="checkbox"/> DRAFT 6-05-19 Zoning Board of Appeals Minutes.pdf		planning	06/21/19	0KB	  

 19-09 2 Fletcher Court Special Permit

File Selected...	Add...	Time	Created Date	Size	Actions
<input type="checkbox"/>  Application		planning	05/09/19	2	  
<input type="checkbox"/>  Public Comments		planning	05/09/19	0	  
<input type="checkbox"/>  Staff Comments		planning	05/09/19	2	  

 Application

File Selected...	Add...	Time	Created Date	Size	Actions
<input type="checkbox"/>  Application.pdf		planning	05/02/19	11 MB	  
<input type="checkbox"/>  Stamped Plans.pdf		planning	05/02/19	10 MB	  

 Staff Comments

File Selected...	Add...	Time	Created Date	Size	Actions
<input type="checkbox"/>  19-09-2 Fletcher Court Planning Department Memo.pdf		planning	06/18/19	11 KB	  
<input type="checkbox"/>  2 Fletcher Court-Health Comments.pdf		planning	06/06/19	21 KB	  

 19-10 97 Piper Road Variance

File Selected...	Add...	Time	Created Date	Size	Actions
<input type="checkbox"/>  Application		planning	06/12/19	6	  
<input type="checkbox"/>  Public Comments		planning	06/12/19	7	  
<input type="checkbox"/>  Staff Comments		planning	06/12/19	0	  

**Application**

File	Modified Date	Size	Actions
Application.pdf	06/12/19	122 KB	
FAR Information Provided by the Applicant.pdf	06/05/19	126 KB	
Letter.pdf	06/05/19	211 KB	
Revised Cover Application Sheet.pdf	06/05/19	0 KB	
Site Plan w/ Lotus.pdf	06/12/19	9 MB	
Variance Photos.pdf	06/12/19	7 MB	

**Staff Comments**

File	Modified Date	Size	Actions
#19-1E - B7 Piper Road Variance Planning Memo.pdf	06/05/19	105 KB	
Acton Water District Comments.pdf	06/05/19	203 KB	
Engineering Comments.pdf	06/05/19	107 KB	

**Public Comments**

File	Modified Date	Size	Actions
Terry Prichard - B7 Buryway Variance application.pdf	06/05/19	14 KB	

For the review of the materials used during the meeting, please visit: <http://doc.acton-ma.gov/dsweb/View/Collection-10520>

Respectfully Submitted,

Vivian Birchall  
Land Use Department