



**Minutes of Meeting  
July 5, 2022  
7:30PM  
Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Ken Kozik, David Schena, Scott Robb  
Staff Present: Kristen Guichard, Planning Director/CEO

**Opening**

Chair, Ken Kozik opened the virtual meeting at 7:32PM. He read the guidelines for the virtual meeting. He called the roll. Ken Kozik- Aye, David Schena - Aye, Scott Robb- Aye

**I. Regular Business**

**1. Approve previous meeting minutes**

Minutes will be reviewed and approved at the next meeting.

**2. Administrative Updates:** Kristen Guichard reported that the virtual meeting option ends July 15<sup>th</sup> unless the legislature extends virtual meeting options.

Scott and Ken signed up for continued membership on ZBA

**II. New/Special Business**

**1. ZBA 22-05 - Public Hearing – 9 Lilac Court**

**Ken Kozik opened the hearing at 7:35PM.**

Ben Osgood represented the owner of the property. He presented the special permit application to demolish the existing dwelling and reconstruct a new dwelling larger than the existing Floor Area Ratio. He stated that he believed the new proposed structure is not out of character for the neighborhood and showed examples of similar sized homes on the street.

**Public Comment:**

Andrea Osborne – Stated that the house should be smaller or that the existing house should be renovated, and made into an affordable housing unit rather than a million-dollar home.

Andrew Magee – Referencing his letter submitted to the Board, stated that the proposed home was almost 4 times larger than the existing house, that most homes on the street were constructed in the 1950s with various modifications or renovations. He stated that most homes do not have basements due to the high ground water. He noted that although there was a newly constructed larger home on the street, it was on a conforming lot double the size of the proposed reconstructed dwelling.

Ann Kavanagh – Stated she did not think the proposed house not fit on the lot that it would stand out against the other homes on the street in that area.

Patricia Windle – Stated the house was too large and out of scale for the neighborhood, and stated it was important to maintain smaller homes for families and people that want to live here, and stated concern for wetlands.

**Board Member Comments:**

Board members asked the applicant to provide clarification on the calculations of the house and homes in the surrounding neighborhood to more accurately match how the zoning bylaw defines Floor Area Ratio. Board members expressed concern that the proposed house was much larger than the other homes surrounding it and advised the applicant to consider an alternative design. The Board asked and the applicant agreed to a continuation to August 2<sup>nd</sup> at 7:45PM.

Robb Scott moved to continue the hearing to August 2, 2022 at 7:45PM at Acton Town Hall and via zoom. David Schena seconded the motion. The motion was carried by a unanimous roll call vote of the Board. Robb Scott – Aye, David Schena – Aye and Ken Kozik – Aye.

**2. ZBA 22-06 Variance, 115 River Street**

Ken Kozik opened the public hearing at 8:24PM

James Downing of Howard Stein Hudson and Attorney Lou Levine represented the Applicant.

Lou Levine gave an overview of the proposed reconstruction project and location of the property. He noted that the existing building is only 10 feet from the rear property line where 30 feet is required. Lou Levine stated that the proposed reconstruction would involve demolishing the existing building and reconstructing a new building in the same location. He stated that the topography of the lot drops off and a majority of the property is wetlands including a stream that runs along the front of the property. Therefore, he stated, the Applicant requests a variance from the 30-foot rear yard setback requirement. He stated that the property's location in the Light Industrial zone is unique in comparison to other properties in the same zoning district due to the slopes and wetlands located to the northeasterly portion of the property along River Street. He noted that if the Applicant left the non-conforming wall, they would not need a variance. They stated that although they could construct a new building in this manner, they would prefer not to as it would prohibit them from constructing with the prefabricated structures that would allow for solar mounted roof panels.

Ken Kozik noted that the site clearly has unique issues on the site that other properties in the Light Industrial District did not have, specifically the water and slopes.

**Public Comment:**

Andrea Osborne- Noted she supports the proposal and that it would improve the look of the area.

Tereasa, River Street – Stated concerns about maintaining the beauty of River Street and questioned how the character of River Street would be maintained. She raised questions about height, loss of trees, traffic patterns, construction noise and wetlands.

The Applicant stated that the construction will occur on previously cleared land; that the height complied with the zoning district and showed images; that the traffic will be equal to or less than the previous traffic trips and that the proposed parking lot will include new drainage to control sediment and run off which is not currently on site. Lou Levine noted that the Conservation Commission issued an Order of Conditions for the proposed redevelopment.

Patricia, River Street – Asked about the existing bridge's structural health and MBTA permitting.

David Bamforth noted the bridge was recently replaced over the last 5 years and that they already filed with MBTA.

Scott Robb moved to close the hearing at 9:05PM. The motion was seconded by David Schena was carried by a unanimous roll call vote. Robb Scott – Aye, David Schena – Aye and Ken Kozik – Aye.

**Board Member Comments:**

Scott Robb stated that he felt the application met the requirements for a variance. David Schena agreed based on the uniqueness of the topography.

Ken Kozik also agreed that the topography issues were interesting combined with the shape of the lot which made it not the easiest shape lot to deal with.

Scott Robb, David Schena and Ken Kozik agreed that the variance request met the mandatory findings set forth in Zoning Bylaw sections 10.5.5.1 and 10.5.5.2.

Scott Robb moved to close the hearing at 9:10PM. The motion was seconded by David Schena was carried by a unanimous roll call vote. Robb Scott – Aye, David Schena – Aye and Ken Kozik – Aye.

Scott Robb agreed to write the decision.

Scott Robb moved to close the meeting at 9:11PM. The motion was seconded by David Schena was carried by a unanimous roll call vote. Robb Scott – Aye, David Schena – Aye and Ken Kozik – Aye.

**Materials Used at the Meeting:**  
<http://doc.acton-ma.gov/dsweb/View/Collection-14366>

**07-05-22 ZBA Agenda**  
**ZBA – How to Participate Remotely**  
**Letter to ZBA River Street 5.25.22**  
**2022-04-4 NOI Plan Set**  
**2022-03-31 Variance Application**  
**115 River St Accountable Mail ZBA**  
**115 River Street, Acton – 44- 4-7-22 – 485 – Variance – Application Supplemental Information (1)**  
**Legal Notice**  
**115 River, in support, request\_conditions\_**  
**115 River St Warehouse comments 052322**  
**2022-05-03 DRB Design Memo \_ 115 River Street**  
**22-4 115 River St Variance Planning Memo**  
**Health Comments 4.13**  
**ZBA 115 River St Agreement Extension**  
**Zoning Board 115 River St**  
**2022-05-02 Cover Letter**  
**9 Lilac Ct Acton house plans**  
**9 Lilac Site Plan**  
**Deed**  
**Signed Application 9 Lilac**  
**ZBA Special Permit Rules and Regulations form B**  
**9 Lilac court 6.28.22**  
**9 Lilac Court ZBA 22-05**  
**9 Lilac Court ZBA Letter**  
**Terra Email 5.09**  
**ZBA 22-05\_9 Lilac Court Comment Letter\_7-1-22**  
**22-5 – 9 Lilac Ct Planning Dept Memo**  
**Building Comments 5.09**  
**Health Comments 5.09**  
**Natural Resources Comments 5.11**  
**ZBA22-5 9 Lilac Court Extension**

Respectfully submitted,

Kristen Guichard