



**Minutes of Meeting
August 1st, 2023
7:30PM
Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Ken Kozik, Scott Robb, Adam Hoffman, David Schena
Staff Present: Kristen Guichard, Planning Director, Alicia Burak, Admin Assistant

Opening

Chair, Ken Kozik opened the meeting at 7:30PM. He called the roll. Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye

I. Regular Business

1. Approve previous meeting minutes

Adam Hoffman motioned at 7:32PM to approve meeting minutes of 7/11/23. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye

2. Administrative Updates:

The Board agreed that Ken will serve as Chairman for the next fiscal year while mentoring Scott and Adam, allowing them to chair an occasional meeting.

Adam motioned at 7:36PM to elect Ken Kozik as Chairman. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Abstained, Scott Robb- Aye, Adam Hoffman-Aye

II. New/Special Business

1. ZBA23-03 247 Main St, Special Permit

Chair, Ken Kozik opened the public hearing at 7:36PM

Applicant, Jaclyn Salzman presented a power point on a special permit application for a 1st floor primary suite addition (no foundation) with a deck for her aging parents to live. She is proposing a 55% (1330 sqft) increase of gross square footage and believes the size aligns with houses in the neighborhood. Jaclyn showed renderings of the proposed addition, but did not have architectural and construction drawings

Adam Hoffman asked if the square footage of the existing structure includes the basement. Planning Director, Kristen Guichard stated yes, and the total square footage of the basement is 750 square feet. The applicant noted that the addition will not have a foundation or basement.

Scott Robb asked the applicant how large the deck would be. Jaclyn stated that the current deck will be removed and rebuilt with an additional 40 square feet.

Chair, Ken Kozik believed the proposed addition doesn't blend well with the homes in the area, noting the flat roof of the addition. Jaclyn stated that the roof will have a slight pitch.

Board members agreed that it is difficult to approve the permit without the drawings and recommended the applicant continue the hearing to the next hearing date to obtain more detailed drawings including drawings with grading.

Kristen Guichard showed examples of architectural and elevation plans from a previous permit.

Resident's Comments: Terra Friedrichs of West Acton agreed that more detailed drawings should be obtained.

Adam Hoffman motioned at 8:08PM to continue hearing ZBA23-3 to September 5th, 2023 at 7:30PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb-Aye, Adam Hoffman-Aye

2. ZBA 20-02 2,4, & 12 Powder Mill Road “Apartments at Powder Mill”, Comprehensive Permit- Modification Request

Chair, Ken Kozik opened the discussion at 8:06PM

Applicant, Randy Miron and Drew Dolben and Tim Wentz presented the summary of changes in the site:

- Second driveway removed, and underground parking garage eliminated, slight decrease in parking spaces.
- Reduced building height from 7 stories to 5 stories
- Changes to drainage & utilities
- Clubhouse modified to be part of the main building
- The southerly residential building has shifted approximately 10-12 feet to the northeast from the previously approved plans

Drew Dolben stated the project was economically unfeasible with the way it was originally approved and the design changes make it more cost efficient and livable. Attorney Lou Levine stated the DRB understood the proposed changes and Randy Miron noted the GCG comments and stated any issues will be addressed.

Scott Robb asked if they considered a secondary access point for the Fire Dept. Randy showed the fire turn around exhibit plan and stated that there is a fire access road that follows the perimeter of the property but fire has not reviewed it yet.

Scott asked if there were docking stations for electrical vehicles. Drew Dolben stated they there would be 6-10 in the parking garage.

The Applicant noted they were no longer pursuing waivers from the Water District fees at this time.

Adam Hoffman asked if there was a landscape and lighting plan and Randy showed the plan. Adam asked if they have considered solar. Randy Miron stated the project will be solar ready but have not made a decision as of yet. Asked if the rents have been established. Randy stated that when the building is delivered the rents will be set.

Residents' Comments- Terra, Mass Ave raised her concerns of the climate emergency, asked if the project would put the town over 10%. Kristen Guichard confirmed it would. Terra stated she wants to see more affordable units, and to see DRB comments. Agreed with the Acton Water memo and wanted to see an updated fire memo.

Alyssa Nichol, 76 School St stated she approves of the proposed changes. She asked about changes in the number of units and if studio units would be available. Tim Wentz stated there are two studio units proposed, 41% 1 bedroom, 45% 2 bedrooms, 11.7% 3 bedrooms. Alyssa also stated she would like to see more affordable units.

Janet Adachi, Simon Hapgood Lane, and chair of the Acton Community Housing Corporation (ACHC). stated the ACHC supports the project and noted her comments that she submitted after 5PM.

Adam Hoffman motioned at 9:20PM to close the Public Hearing. Scott Robb seconded the motion. Roll Call Vote: Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye

Kristen Guichard asked if any additional waivers would be necessary to comply with GCG's additional comments about the parking garage dimensional regulations. Tim Wentz responded that there were no additional waivers needed to comply.

Deliberations

All Board Members showed support of the project, noted they were in favor of solar if possible.

Adam Hoffman motioned at 9:23PM to approve the requested modification. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman- Aye

3. ZBA 21-06 307 Central Street, Special Permit – Modification Request

Chair Ken Kozik opened the hearing at 9:24PM.

Chair, Ken Kozik gave a brief history of the prior meeting.

Attorney Douglas Deschenes agreed with Mr. Kozik's summary of events. He confirmed that the applicant changed the design of the driveway to address concerns due to the effectiveness and safety of the original turnouts the were proposed. The applicant had engineers design a wider driveway with different turnouts and submitted a land disturbance permit to the DPW and Engineering departments but put down the binder coat consistent with an expanded driveway prior to coming to the Planning Division for a minor modification. He apologized on behalf of his clients, who did not do it maliciously and was looking too seek approval for the requested modifications.

Seth Donohoe of Dillis and Roy, described the requested modifications (see document) which consisted of widening the neck of the driveway and adding two turnaround areas, one of which was changed to preserve a tree that an abutter was concerned with.

Scott Robb asked about any possible water issues on site.

Residents' Comments

Miriam Lapson, 309 Central St, Scott Blaufuss of 313 Central St, Tracey Sapkal of 303 Central St and Lydia Youngberg of 301 Central Street – Expressed their disapproval of the applicant's actions, believed the applicant should have followed correct process and should adhere to the original plan. All showed concerns safety concerns. Miriam and Scott both noted the water issues.

Terra Friedrichs, West Acton- agreed with the neighbors' concerns and mentioned Jeff Groom's comments that were submitted during the hearing and asked the Board if they saw them. The Board said they read them.

Attorney, Douglas Deshchenes noted that he understood the residents' safety concerns and proposed to modify and reduce the driveway to the 12-foot width at the street and widen the turnarounds near the garage.

Adam Hoffman motioned at 10:20PM to close the hearing. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye

Deliberations

Adam Hoffman and Ken Kozik agreed the applicant had good intentions, but did not approve of the applicant actions as it sets a precedent in the future, and believes the applicant should revert back to the original plan.

Scott Robb agreed with Adam and Ken that the applicant should revert to the original plan but would grant the modification of expanding the turnaround area.

Adam Hoffman motioned at 10:28PM to deny the modification to ZBA21-06. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye

Planning Director, Kristen Guichard mentioned to the Board that the Planning Division has been around town at different locations sharing information on the South Acton Vision and Action Plan and MBTA Zoning.

Adam Hoffman motioned at adjourn at 10:31PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, Adam Hoffman-Aye

8/1/2023 Meeting Materials:

8-1-23 Agenda

7/11/23 Meeting Minutes

How to participate remotely

5.23.23. letter to Acton Zoning Board of Appeals

307 Central St modification materials as follows:

Amendment Request

Driveway Exhibit

ZBA Letter

Engineering Comments 7-6-23

M Lapson Email

Lapson photographs

20-2 2-6-12 Powder Mill Road Amendment Request

Cover Letter & Narrative

Powder Mill- Comprehensive Permit Plans

Powder Mill – Architectural Plans

Powder Mill – Drainage Report

Water Commitment Letter

Acton Water District Comments

DRB Comments

Health Comments

247 Main St application materials as follows:

Application

Addition-red line

Addition Special Permit Narrative-revised

247 Planning Department Memo

Health Comments 7.5