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TOWN OF ACTON  
PLANNING DEPARTMENT



**Board of Appeals**

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**DECISION**  
#20-02  
**Amendment #2**  
**Comprehensive Permit**  
**Apartments at Powder Mill**  
**2, 4, & 12 Powder Mill Road**

September 5, 2024

GRANTED with Conditions

This is a Decision (the “Decision”) of the Acton Zoning Board of Appeals (hereinafter the “Board”) on the request for a Comprehensive Permit amendment under Massachusetts General Laws (“M.G.L.”) Chapter 40B, §20-23 (the “Act”), made by the Applicant, Powdermill Residential Holdings, LLC, 150 Presidential Way Suite 220, Woburn, Massachusetts (“Applicant”) for the property located at 2 Powder Mill Road in Acton, Massachusetts (the “Site”). The Site is identified on the Acton Town Atlas map as parcels J3, Lot 39. This Decision is the second amendment to the Comprehensive Permit Decision #20-02 issued to Apartments at Powder Mill, LLC dated August 4, 2020, filed with the Acton Town Clerk on August 10, 2020, recorded with the Middlesex (South) Registry of Deeds at Book 75635, Page 228. The Site is identified on the Acton Town Atlas map as parcel B5-9.

This Decision is in response to an application for an amendment to a comprehensive permit for a rental housing development. The proposed amendment consists of a modification to the total bedroom count. The comprehensive permit application amendment was submitted to the Board of Appeals on August 23, 224. The Board held a duly noticed public meeting on September 5, 2024 at which time they voted unanimously in favor of approving the requested insubstantial changes. Throughout the duration of the meeting, the Board heard testimony from the Applicant and Town staff. Board members Kenneth Kozik (Chair), Adam Hoffman (Member), and R. Scott Robb (Member) were present throughout the meeting. The minutes of the meeting and submissions on which this Decision is based may be referred to in the Town Clerk’s office or the office of the Board at Acton Town Hall.

## **1      EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1    Cover letter, dated August 23, 2024 and the drawings and documents submitted as part of the amendment application are as follows:
- 1.2    Gate 17 Architecture narrative of architecture changes, dated August 9, 2024.
- 1.3    Bohler Engineering narrative of civil/site changes, dated August 15, 2024.
- 1.4    Scot Engineering narrative of MEP changes, dated August 9, 2024.
- 1.5    KSE Engineering narrative of structural engineering changes, dated August 14, 2024.
- 1.6    Gate 17 Architecture conformed drawing set for Building 1, including architecture, electrical, mechanical, plumbing, and structural drawings, all as revised through August 14, 2024.
- 1.7    Gate 17 Architecture conformed drawing set for Building 2 (1 of 2), including architecture, electrical, and mechanical drawings, all as revised through August 15, 2024.
- 1.8    Gate 17 Architecture conformed drawing set for Building 2 (2 of 2), including plumbing and structural drawings, all as revised through August 15, 2024.
- 1.9    Bohler Engineering conformed civil/site plan, updated August 15, 2024
- 1.10   Innovative Engineering Services, Inc. conformed pre-cast garage set, updated August 6, 2024.

## **2      FINDINGS AND CONCLUSIONS**

Based upon its review of exhibits, and the record of the proceedings, the Board finds and concludes that:

- 2.1    There are no changes to the original approved 230-unit count; 58 or 25% of which will be deed restricted affordable units.
- 2.2    The proposed bedroom unit mix consists of: 2, studio units; 95, 1-bedroom units; 110, 2-bedroom units; 23, 3-bedroom units.
- 2.3    The total bedroom count of the project has increased by 4, from 382 to 386 bedroom.
- 2.4    The proposed changes to the number of bedrooms within the individual units does not alter the overall bedroom count of the housing by more than 10% and the Board finds it is an insubstantial change in accordance with 760 CMR 56.07(4)(d)(3).
- 2.5    The proposed changes described in the narratives referenced above are technical and the Board finds these to be insubstantial changes in accordance with 760 CMR 56.07(4)(d)(3).

## **4      BOARD ACTION**

Therefore, the Board voted unanimously on September 5, 2024 to **GRANT** the requested Comprehensive Permit Amendment for the Project as described herein and as presented in the application, subject to and with the benefit of the following Plan modifications, conditions, and limitations.

## **4      PLAN MODIFICATIONS**

The Building Commissioner shall not issue a building permit until and unless the Zoning Enforcement Officer confirms that any proposed building permit plans are substantially in compliance with information submitted, reviewed and approved as part of this Comprehensive Permit. Except where otherwise provided, all such information shall be subject to the approval of the Zoning Enforcement Officer. Where

approvals are required from persons or agencies other than the Zoning Enforcement Officer, the Applicant shall be responsible for providing evidence of such approvals to the Zoning Enforcement Officer.

**5 CONDITIONS**

5.1 Except as modified herein, the Original Decision, the plan approved thereunder, shall remain in effect.

The Town of Acton Zoning Board of Appeals



Kenneth F. Kozik, Chairman



Adam Hoffman, Member



R. Scott Robb, Member

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

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Eva K. Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -  
certified mail #  
Town Clerk  
Fire Chief  
Acton Water District  
GIS

Land Use Department  
Engineering Department  
Town Manager  
Police Department  
Board of Selectmen  
Historical Commission

RHSO  
Assessor's Office  
Design Review Board  
Owner  
ACHC