



ACTON ZONING BOARD OF APPEALS

Minutes of Meeting

February 4, 2019

7:30PM

Acton Town Hall

472 Main Street

Room 9

Zoning Board of Appeals members in attendance: Ken Kozik, Adam Hoffman
Absent: Emilie Ying, Suzanne Buckmelter

Also present: Roland Bartl, Planning Director; Vivian Birchall, Administrative Assistant.

Mr. Kozik opened the meeting at 7:30pm.

I. Post Office Crossing Comprehensive Permit Amendment

Background:

The Board of Appeals granted a comprehensive permit for Post Office Crossing in April 2014. The project consists of a subdivision with 12 single family homes. The Comprehensive Permit decision in par. 4.2.4 stipulates that "The entire Project, all twelve (12) dwelling units, including the affordable units, shall be LEED certified".

In June 2018, the developer requested, and Mr. Bartl approved a change from this standard to EPA's Energy Star (ES) certification as a de-minimis modification of the permit to a largely equivalent standard.

Amendment:

Mr. Kozik invited the developer, Mr. William Luster from Charing Cross Realty to state his request to the Zoning Board of Appeals.

Mr. Luster explained that he had received written communication that the project did not meet compliance levels, and that 5 of the units had been finalized and are impossible to rebuild. He pointed out that the first unit was compliant with the building code.

The board and the developer discussed the compliance levels for the completed units, possible remedies for compliance of the 7 unfinished units and mitigation of non-compliance of the 5 completed units.

The Board unanimously (2-0) voted to authorize the Planning Director, Mr. Bartl, to sign off of the occupancy permits of the 5 completed units.

The Board also directed Mr. Luster and Planning to would work out reasonable estimates of the cost avoided between what was built and what was required, as a basis for discussion with the Zoning Board of Appeals regarding any payments in lieu of the non-compliance.

The continuation of this matter is scheduled for Thursday February 21, 2019, at Town Hall, Room 204 at 8:00 pm.

II. Minutes

Mr. Hoffman moved to approve all minutes listed below. Mr. Kozik seconded.

- 07/22/10 Executive Session meeting minutes
- 09/02/10 meeting minutes
- 09/20/10 meeting minutes
- 05/16/11 meeting minutes
- 06/11/12 meeting minutes
- 07/09/12 meeting minutes
- 09/10/12 meeting minutes
- 03/03/14 meeting minutes
- 04/14/14 meeting minutes

- 07/07/14 meeting minutes
- 09/08/14 meeting minutes
- 03/09/15 meeting minutes
- 12/10/18 meeting minutes

III. Administrative Updates

Mr. Bartl distributed information about affordable housing “safe harbor”, and the board requested staff to schedule a special meeting to discuss it further.

The meeting was adjourned at 8:30pm.

For additional materials used during the meeting, please visit: <http://doc.acton-ma.gov/dsweb/View/Collection-10509>

Respectfully Submitted,
Vivian Birchall
Land Use Department