



Minutes of Meeting
04/06/2021
7:30PM
Virtual (Zoom) meeting

Board of Appeals members in attendance: Ken Kozik, Adam Hoffman, R. Scott Robb
Staff Present: Robert Hummel, Assistant Town Planner

1.0 Opening

Chair, Ken Kozik opened the meeting at 7:31PM. He read the guidelines for virtual meeting.

He called the roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye

1.1 Approve previous meeting minutes

At 7:36 PM, Mr. Hoffman moved and Mr. Robb seconded to approve the 12/16/2020 minutes as presented at the meeting. The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye, the motion carried unanimously.

1.2 Administrative Updates

Mr. Hummel gave an update on the upcoming Zoning Board of Appeals meeting in May.

2.0 New/Special Business

2.1 ZBA 21-01-100 Nagog Park Variance Application Public Hearing

Mr. Kozik opened the hearing at 7:37PM.

The applicant's representatives presented an overview of the variance request to the Board. Mr. Levine, from D'Agostine, Levine, Parra & Netburn, PC argued that topography, soil, and the shape were hardships on why the applicant cannot locate the proposed solar panels anywhere else on the lot.

Public Comments

- The owner of 125 Nagog Park had concerns regarding Nagog Park (private road), visual impacts, and sunlight reflection.

Board Comments

- The board asked questions to the applicant regarding why the board should grant the variance in relations to the maximum height.

Mr. Hoffman moved to close the public hearing at 8:40PM. The motion was seconded by Mr. Robb and was approved by a unanimous roll call vote. The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye, the motion carried unanimously.

All Board members agreed that the variance met the mandatory findings of Section 10.5.5 regarding the topography hardship on the lot.

At 9:04PM, Mr. Hoffman moved to approve the variance with the following conditions:

- Be built substantially as shown in the plans submitted to the board and on file for the April 6, 2021 ZBA meeting
- In compliance before any building permit is issued with any of the outstanding issues identified in the April 6, 2021 ZBA meeting folder. Address all issues satisfied to the town.

The motion was seconded by Mr. Robb. The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye, the motion carried unanimously.

Mr. Kozik offered to write the decision.

2.2 ZBA 20-10 62-64 Pope Road Special Permit Application Public Hearing

Mr. Kozik opened the hearing at 9:07PM.

The applicant's representative, Paul Kirchner, from Stamski & McNary and Mr. Levine, from D'Agostine, Levine, Parra & Netburn, PC presented an overview of the project to construct an addition above the garage, sunroom, and basement addition. They discussed what was approved last fall by the ZBA.

Public Comments

- None

Board Comments

- The board asked the applicant why did the project change? The applicant responded that there was confusion between when the final civil engineering plans were developed and the final architectural plans.
- One board member was not favor of the presented landscape plan. They also wanted to hear more regarding any proposed mitigation.

At 9:40pm, with the agreement of the applicant, Mr. Hoffman moved, Mr. Robb seconded and the board unanimously voted (3-0) to continue the public hearing to May 4th at 8:30pm via zoom.

The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye

2.3 ZBA 19-06-12 Orchard Drive Special Permit Amendment Application Public Hearing

Mr. Kozik opened the hearing at 9:42PM.

The applicant and the applicant's representative, Paul Kirchner, from Stamski & McNary presented an overview of the proposed special permit amendment to demo the existing dwelling and reconstruct a small footprint dwelling than what was approved by the board in 2019 in the same place on the lot. The board explained that the applicant had to modify the plans due to the cost of today's construction cost.

Public Comments

- None

Board Comments

- One board member had a question regarding the Health Division's comments.

Mr. Hoffman moved to close the public hearing at 9:47PM. The motion was seconded by Mr. Robb and was approved by a unanimous roll call vote. The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye, the motion carried unanimously.

Mr. Kozik stated he believed the proposed change increases the non-conformity but the proposed changes were not more detrimental to the neighborhood.

Mr. Kozik asked both Mr. Hoffman and Mr. Robb the following questions:

- Is consistent with the Master Plan.
- Is in harmony with the purpose and intent of this Bylaw.
- Will not be detrimental or injurious to the neighborhood in which it is to take place.
- Is appropriate for the site in question.
- Complies with all applicable requirements of this Bylaw.
- All Board members agreed that the proposed reconstructed dwelling met the mandatory findings of Section 10.3.

At 9:51PM, Mr. Hoffman moved to approve the special permit with the following condition; Be built substantially as shown in the plans submitted to the board and on file for the April 6, 2021 ZBA meeting. The motion was seconded by Mr. Robb. The Chair called roll. Adam Hoffman – Aye; Scott Robb – Aye; Ken Kozik – Aye, the motion carried unanimously.

Mr. Hoffman offered to write the decision.

2.4 Vote to update the application form in Rules and Regulations for Special Permit, Variance, and Comprehensive Permit

Mr. Hummel explained that the town is looking to make updates to all Rules and Regulations with the Planning Board and Board of Appeals to alert applicants of the State and Town requirements for removal of public shade trees by adding a question on the Application form. Mr. Hummel presented amendment to the following rules and regulations; ZBA Comprehensive Permit, ZBA Special Permit, and ZBA Variance.

At 9:51PM, Mr. Hoffman moved and Mr. Robb seconded to approve the three rules and regulations as presented at the meeting. The motion was approved unanimously. The Chair called roll. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye. The motion carried unanimously.

3.0 Adjournment

At 9:51PM, Mr. Hoffman moved and Mr. Robb seconded to adjourn the meeting. The motion was approved unanimously. The Chair called roll. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye. The motion carried unanimously.

Meeting adjourned.

Documents used during this meeting

- 04/06/2021 ZBA Meeting Agenda
- 12/16/2020 ZBA Meeting Minutes
- ZBA 21-01- 100 Nagog Park Variance Application
 - Meeting Presentation Slides
- ZBA 20-10 62-64 Pope Road Special Permit Amendment Application
 - Sketch Plan
 - Planning Division Memo
 - Revised Planning Division Memo
 - Basement Permit Plan
- ZBA 19-06-12 Orchard Drive Special Permit Amendment Application
 - Planning Division Memo
 - Heath Division Memo
- ZBA Comprehensive Permit Rules and Regulations
- ZBA Special Permit Rules and Regulations
- ZBA Variance Rules and Regulations

Link to docushare: <http://doc.acton-ma.gov/dsweb/View/Collection-13044>

Respectfully Submitted,

Robert Hummel
Assistant Town Planner