



Minutes of Meeting
November 9th, 2021
7:30PM
Virtual (Zoom) meeting

Board of Appeals members in attendance: Ken Kozik, Adam Hoffman, Scott Robb
Staff Present: Kristen Guichard, Planning Director and Zoning Enforcement Officer, Kaila Sauer, Assistant Planner, Alicia Burak Admin Assistant

Opening

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

I. Regular Business

1. Approve previous meeting minutes

Adam Hoffman motioned at 7:33PM to approve meeting minutes from 10/05. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman-Aye, Scott Robb-Aye.

- 2. Administrative Updates:** The appointment of a new alternate ZBA member will be on the 11/15 Select Board agenda.

II. New/Special Business

1. ZBA 21-11 – Continued Public Hearing – 5 Strawberry Hill Rd Variance

Chair, Ken Kozik opened the public hearing at 7:33PM

Steven Caprera, Attorney of the Applicant, gave a brief overview on the request for a variance. He stated that Rapscaillon's currently has limited parking of 30 parking spaces and is seeking an additional 25 parking spaces. Attorney Caprera believed the lack of parking creates a financial and reputational hardship. Chair, Ken Kozik asked Attorney Caprera to describe what makes the lot unique due to soil conditions, shape and topography. Attorney Caprera stated that the size of the lot is too small and the size creates the shape which is the hardship.

Mr. Robb asked Kristen Guichard, Town of Acton's Planning Director and Zoning Enforcement officer to pull up the GIS map that had Concord Brewery's plot to compare and contrast it to the surrounding plots along Great Road within the Limited Business District.

After review, Zoning Board concluded that the proposed lot did not meet any of the three criteria of Section 10.5.5.1: the lot in question was not unique to its shape, soil or topography in relation to other lots along Great Road within the Limited Business zoning district; furthermore, the Board found that the area of the lot was not the same as the shape

of the lot. The Board also noted that even if the lot area could be considered, it was not unique to other lots along Great Road and within the Limited Business District.

Public Comments: David Sumner, Attorney who represents an abutter stated he did not think the applicant meets the criteria for a variance and expressed concerns about the negative impact the additional vehicles parking illegally at the site has caused.

Adam Hoffman motioned to close the public hearing at 8:19PM. Scott Robb seconded the motion. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman-Aye, Scott Rob- Aye.

Chair, Ken Kozik motioned to grant the variance at 8:34PM. Adam Hoffman seconded the motion. Roll Call Vote: Ken Kozik-No, Adam Hoffman-No, Scott Robb- No

2. ZBA 21-12 – Continued Public Hearing – 362-364 Main St Comprehensive Permit (40B)

Chair, Ken Kozik opened the public hearing at 8:39PM.

Kelley Cronin, Director of AHA, and Dan Dumais, of MDM described the average senior applicant, demographic info and traffic patterns.

Adam Hoffman asked if there is space to provide extra parking, noting the request for relief from the parking standards.

Erin Joyce, of PE stated there is not unless they redesigned the site.

Kelley Cronin stated they don't believe additional parking is needed because past history patterns show the lots have only been 2/3 full at night.

Adam asked about the construction of the dog park and how its going to be affected by the construction of this project.

Kelley Cronin stated that they spoke with Conservation and dog park committee, and made changes to the septic design to accommodate the dog park, but was not aware of any potential construction impacts.

Kelley Cronin addressed the peer review comments and responses. Kristen Guichard stated there are minor modifications need to be made to the drainage plans.

Chair, Ken Kozik reviewed the draft decision and expressed his questions and concerns with the ZBA members, Kristen Guichard, Kelley Cronin and Attorney Mark Brobowski.

Ken Kozik purposed to update the draft decision for the items pointed out in the discussion and continue the hearing so that a final draft could be reviewed.

Adam Hoffman motioned at 9:41PM to continue the hearing 21-12 to 12/07/21 at 7:30PM. Scott Robb seconded. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman- Aye, Scott Rob- Aye.

Adam Hoffman motioned to close the hearing at 9:45PM, Scott Rob seconded. Roll Call
Vote: Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb- Aye.

Materials Used at the Meeting:

<http://doc.acton-ma.gov/dsweb/View/Collection-13051>

11/09/2021 Agenda

Minutes for 10/05/21

ZBA- How to participate remotely

362-364 Main Street Application Materials as follows:

210924 Acton Main Street ZBA Hearing #21-12 Comments and Responses

**2184- Acton Main Street Senior Residence Peer Review Comments 092821_WAI AE
Team responses**

362-364 Main St 300 FT

AHA Comprehensive Permit Application as Filed

Appendix 3.15 Traffic Report

Complete Plan Set for Main Street

Legal Ad

Alissa Nicol Email 9-14-2021

Alissa Nicol Email 11/6/21

COA Board Letter to Zoning Board 9/14/21

Draft Decision 11.2.21 and KG 11.5.21

Draft Decision 11.2.21 and KG 11.9.21 with new edits

Mullin Rule Certification-ZBA 10-5-21

Public Comment 9-20-21

2184- 2nd Acton Main Street Senior Residence Peer Review Comments 11/4/21

2184- Acton Main Street Senior Residence Peer Review Comments 09/28/21

362-364 Main Street-Comprehensive Permit 8.31.21

362-364 Main Street Comprehensive Permit-Planning Memo 9-9-21

AWD Comments 8-31

Building Dept Comments 8-31-21

COA Board Letter to Zoning Bd 091421

Health Dept Comments 8-31-21

GCG Comments 2184- Acton Main St Senior Residence WAI AE Team Responses

GCG Memo 1

2184- Acton Main Street Senior Residence Peer Review Comments 09-28-21

5 Strawberry Hill Rd Application Materials as follows:

**ZBA Variance Application- Concord Brewery, Inc (Rapsallion Table & Tap)
(7.27.21)**

Legal Ad

Legal Notice

Public Comment Letter 10-04

21-11 -5 Strawberry Hill Rd-Planning Department Memo- 9-30-21

AWD Comments 8-4-21

Engineering Comments 9-22-21

Building Comments 11/8/21

Health Comments 11/5/21

Rapsallion Enforcement Letter

456 Rapsallion, 5 Strawberry Hill Road Use Special Permit Decision

