



**ACTION ZONING BOARD OF APPEALS**  
**Minutes of Meeting**  
**06/09/2020**  
**6:30PM**  
**Virtual (Zoom) meeting**

Board of Appeals members in attendance: Ken Kozik, Adam Hoffman, R. Scott Robb  
Also present: Kristen Guichard, Senior Town Planner and Robert Hummel, Assistant Town Planner

**1. Opening**

Chair, Ken Kozik opened the meeting at 6:30 p.m. He read the guidelines for virtual meeting.

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

**2. Regular Business**

**2.1 Approve previous meeting minutes**

After review of the 05/05/2020 minutes, Mr. Hoffman moved, and Mr. Robb seconded. At 6:35pm, the Board unanimously (3-0) approved the minutes as shown" Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

**3 New/Special Business**

**3.1 ZBA 20-05 Continued Public Hearing, Comprehensive Permit application for "Grandview Acton" at 361 and 363 Great Road.**

The Chair of the Board, Mr. Kozik, re-opened the public hearing at 6:32pm. He explained the public hearing process.

He informed the applicant that the board would like to hear if the applicant addressed the staff comments.

The applicant, Mark O'Hagan presented an overview of the revised comprehensive permit plans that will produce 32 units/houses for seniors (above the age of 55). The proposed project is located at 361 & 363 Great Road.

The applicant informed the board that he had incorporated comments received thus far, but had not yet received the new comments from the third party engineering peer reviewer.

The Board reviewed the Planning Division's revised memo dated June 8, 2020. Some of the issues reviewed included types of flooring, addressing that children will not be prohibited from the building, indoor parking spaces, type of condo fee and formula for the fee structure, lighting requirements, screening the dumpsters, landscaping plans, sidewalk requirements; waiting for Fire Department to comment back on approach into the parking lot.

Applicant explained the rationale for distribution of the affordable units, difference in value in interior design to keep cost down, agreed to do soil tests, review condominium docs, apply for septic permits, consulted with designer to make modifications to include the Design Review Board comments, shifted elevator to left side of

the building, away from the car garage, size of patios depending on the location, exterior details, vegetation between project and abutters, will try to accommodate electric plug ins

#### Comments/requests from the Board

- Address the Fire Department's comments
- Address Board of Health's comments

#### First Straw Vote:

- Ken Kozik, Scott Robb-Would approve with conditions
- Adam Hoffman- Would deny because the grouping units on interior sounds discriminatory.

#### Proposed conditions for including in the draft decision to be drafted by the Planning Department Staff

- Nondiscriminatory procedures for allocating affordable units
- Handicap accessible structures be built with people specialized
- Solar is going to be built
- Build a side walk

The applicant was asked to incorporate all departmental and board comments in the plans to be presented in the next meeting. The board asked the Planning Division to complete a draft decision for the next ZBA meeting.

With these comments, and agreement with the applicant, Mr. Hoffman moved, Mr. Robb seconded and the board unanimously voted (3-0) to continue the public hearing to June 30, 2020 at 6:30pm.

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

#### ZBA 20-7 Public Hearing, Special Permit application for an addition at 6 Elm Court

The Chair of the Board, Mr. Kozik, opened the public hearing at 7:36pm.

The applicants, Nicolas and Kathleen Ammendolia presented an overview of their project and why they need a special permit to build a garage/ 2<sup>nd</sup> floor on a non-conforming lot, and will meet all setbacks.

The Board discussed that the project did not increase non conformity, is not substantially more detrimental or injurious to the neighborhood, projects is consistent with the master plan, in harmony with the by law, will be appropriate for the sight in question

Adam moved and Scott seconded to close hearing ZBA 20-7. The motion was unanimously (3-0) approved  
The Chair called roll. Adam Hoffman – Aye; Scott Rob – Aye; Ken Kozik – Aye

#### Deliberations

The Board unanimously (3-0) approved the project with conditions that it be built substantially as shown in the meeting, and that the applicant remove or move location of the shed to fit within the setbacks

Adam to write the decision

**ZBA 20-02 Public Hearing, Comprehensive Permit application for “The Apartments at Powder Mill”, 2, 4 & 12 Powder Mill Road**

The Chair of the Board, Mr. Kozik, opened the public hearing at 8:07pm.

Joel Kahn, the applicant on behalf of the owner presented an overview of the project that will create 230 rental units. He spoke to the amenities in each unit, plumbing and mechanical systems, all units handicap accessible, heights of the roofline, landscaping. Randy Miron from Boher Engineering presented the overview of the engineering, including sewer lines, things that will be rehabilitated, reduction in square footage of the area from what it is now. The engineer explained the different times the traffic was assessed and 401 page traffic and impact study, and the applicant agreed to fund the cross town connect project.

The Chair of the Board requested in 3D drawings of the structures.

During the discussion, the presenters mentioned that this project is located at a place with quick access to grocery shopping, solar panels would not be installed, and electric charging stations will be set up.

The members of the board asked about outdoor space for recreation, size of dog park section, number of spaces for parking cars?

**Public Comments**

- Concerns about potential pollution of the river and increased trash on high street
- ACHC is in favor of the project
- Architectural peer review of the project needs to be done to meet basic code requirements

After discussion, and agreement with the applicant, Mr. Hoffman moved, Mr. Robb seconded and the board unanimously voted (3-0) to continue the public hearing to July 7, 2020 at 6:30pm.

**Announcements:**

**4.0** ZBA 19-07/19-11 Combined Public Hearing Continuation - Comprehensive Permit Application for land located at 90 School Street, 4 Piper Lane, 4 Piper Lane Rear, and 6 Piper Lane Acton, MA, Map H3-A parcels 3, 3-1, 3-2, and 17. This was continued to July 7 2020, 6:30 PM, Town Hall Room 204, or virtually if social distance guidelines are not lifted by then

**5. Adjournment**

At 10:03pm, Mr. Robb moved and Mr. Hoffman seconded to adjourn the meeting. The motion was approved unanimously.

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

Meeting adjourned.

**Documents used during this meeting**

- Agenda
- Draft 5-5-20 Zoning BOA Minutes

- Grand View Apartments Comprehensive Permit Application
- 6 Elm Street Special Permit Application
- Powdermill Apartments LLC Comprehensive Permit application
- Town Department Comments
- Planning Department Memos

**Link to docushare:** <http://doc.acton-ma.gov/dsweb/View/Collection-11672>

Respectfully Submitted,  
Vivian Birchall  
Land Use Department