



Minutes of Meeting

July 6th, 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 7:00PM. He read the guidelines for the virtual meeting. He called the roll. Adam Hoffman-Aye, Ken Kozik- Aye, Scott Robb- Aye

Mr. Kozik moved to enter into Executive Session at 7:02PM to discuss the appeal of Decision #21-2, 62-64 Pope Road (Misc. Action No. 21 MISC 000291) pursuant to Purpose 3 of the Open Meeting Law.

Opening of Public Meeting

Chair, Ken Kozik opened the meeting at 7:33PM. He read the guidelines for the virtual meeting. He called the roll. Adam Hoffman-Aye, Ken Kozik- Aye, Scott Robb- Aye

I. Regular Business

1. Approve previous meeting minutes

Meeting minutes for 5/4/21 approved and passed. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb -Aye

Meeting minutes for 6/7/21 approved and passed subject to the addition of last names being stated. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, Scott Robb-Aye

2. Administrative Updates

The new Planning Dept member Kaila Sauer was introduced as assistant planner. The appointment of new chairman for the new fiscal year was discussed. Scott Robb moved Ken Kozik to be chairman for the new fiscal year. Adam Hoffman Seconded.

Roll Call vote: Ken Kozik-Aye, Adam Hoffman- Aye, Scott Robb- Aye.

II. New/Special Business

1. 13 Independence Road- Special Permit

The special permit was not published on the agenda therefor has to be continued to a later date. Kristen Guichard proposed to have the special permit continued to the 8/3/21 meeting. Ken Kozik moved to continue the public hearing on 8/3/21 via Zoom at 7:00 PM. Adam Hoffman made a motion to continue, Scott Robb seconded. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb- Aye

2. ZBA 21-06 – Continued Public Hearing - 307 Central Street Special Permit

Ken Kozik opened the hearing at 7:57PM.

All board members stated they were up to date on last meeting. Seth Donohue spoke about proposed project restated that the project fully conforms and the lot meets the frontage and area requirements within the VR District, that the proposed building meets all zoning and setback requirements. He addressed previous comments from abutters regarding greenery and privacy issues, stating he went out to the site to look at the concerns, and an exhibit plan was created that provides details on the greenery. Trees abutting the railroad line will be preserved. Greenery to be added to the corner of the lot including a dogwood tree and holly to provide privacy. Stated that the lot line is fenced which creates more privacy. Vegetation at entrance will be preserved and the proposed driveway will be smaller at 12ft. wide rather than 25ft. He spoke about the height of the building site which is on a slope, which is 5 feet lower than the front of the abutting houses. The proposed structure will be 33-1/2ft. tall whereas the max is 36ft. tall.

Public Comments: Jeff Groom, 305 Central St and Miriam Larson, 309 Central St, both stated privacy concerns do to the lack of greenery and size/height of the new dwelling compared to their homes. Both residents would like to maintain privacy.

Tara Friedrichs- Stated that she was opposed to the project due to the dissatisfaction of the neighbors.

Board Comments: All Board Members agreed that the proposed project needed larger plants for privacy.

Ken Kozik moved to close the public hearing at 8:37PM. Adam Hoffman motioned for the closing and Scott Robb seconded. Roll Call Vote- Ken Kozik-Aye, Adam Hoffman- Aye, Scott Robb- Aye.

Adam Hoffman made a motion at 8:48PM to grant the special permit subject to the condition of adding two more holly trees, and two additional dogwood trees to be added behind the property of 305 Central Street. Scott Robb seconded.

Roll Call Vote: Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb-Aye
Scott Robb to write decision.

3. ZBA 21-08 – Public Hearing – 31 Mohegan Road Special Permit

Ken Kozik opened the public hearing at 8:51PM.

Jeff Kehm, architect speaking on behalf of the applicant, explained the special permit request for a small addition on the first floor, extending an existing entry way, adding two covered porches, and a proposed work studio with bookshelves. Adding stairs to a second level addition which

will include a master bedroom suite, laundry room, and a bedroom/office. Second floor will be 940SF. Total increase including both levels to be 1028SF amounting to a 31% addition. Owners wanted to make sure the addition and materials used would be in harmony with the neighborhood. Jeff Kehm noted the neighborhood contains ranches and two- story houses.

Public Comments: None

Board Comments: Adam Hoffman stated that proposed addition is well over what's currently allowed in the by-laws, asked if there was any possibility of adding on to the rear of the house. Jeff stated that it would consume most of the back yard and is more cost effective to build up, than out. Barbara Schmitt, owner, stated that the back yard has ledge and a septic and they prefer a second-floor master bedroom and extra bedroom to fit their needs. She stated two large homes in the neighborhood received special permits within the last couple of years, also stating a house next to theirs added a second addition that was larger than their proposed addition. Mrs. Schmitt stated she spoke to neighbors who were in support of the addition as shown in the documents presented.

Ken Kozik moved to close the public hearing. Adam Hoffman made a motion to close at 9:20PM. Scott Robb seconded. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman -Aye, Scott Robb- Aye.

Adam Hoffman and Scott Robb agreed that the special permit request does not increase the non-conformity. Ken Kozik disagreed, but all members agreed that the proposed special permit is not substantially more detrimental to the neighborhood as required in Bylaw section 8.1.5.

All members agreed that the proposed special permit met the mandatory findings set forth in Bylaw section 10.3.5.

Adam Hoffman motioned at 9:27PM to approve the special permit subject to the addition being substantially built as shown and described in the documents. Scott Robb seconded. Roll Call Vote: Ken Kozik-Aye, Adam Hoffman- Aye, Scott Robb- Aye
Adam Hoffman to write decision.

4. ZBA 21-07 -Continued Public Hearing – 523 Main St Special Permit

Ken Kozik moved to open the public hearing at 9:34PM. Adam Hoffman Motioned, Scott Robb seconded. Roll Call Vote- Ken Kozik- Aye, Adam Hoffman-Aye, Scott Robb- Aye

Jeff Risucci, contractor on behalf of homeowner, proposed to add a master bedroom addition over the existing garage however the lot size does not meet the required minimum; the proposed addition is a 21% increase, where only 15% is allowed by-right. The addition would not be taller than the existing structure.

Scott Robb stated he reviewed the video from the previous meeting and certified to the fact.

Public Comments: None

Board Comments: Adam Hoffman asked about the use of dormers with the second story addition. Jeff stated that with dormers, the space would be too small and unusable.

Ken Kozik asked if the property near him was in similar size. Jeff stated there are similar houses nearby with smaller lot sizes, but the existing gross floor area compared to those were smaller and he believed it would fit in with the neighborhood.

Ken Kozik moved to close the public hearing at 9:43PM. Adam motioned to close and Scott Robb Seconded. Roll Call Vote- Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb- Aye

Adam Hoffman and Scott Robb agreed that the special permit request does not increase the non-conformity. Ken Kozik disagreed, but all members agreed that the proposed special permit is not substantially more detrimental to the neighborhood as required in Bylaw section 8.1.5.

All members agreed that the proposed special permit met the mandatory findings set forth in Bylaw section 10.3.5.

Adam motioned at 9:48PM to approve the special permit subject to the conditions that it be built substantially as shown and described in the documents as of 7/6/21. Scott Robb seconded. Roll Call Vote- Ken Kozik-Aye, Adam Hoffman, Aye, Scott Robb, Aye.

Adam Hoffman to write decision.

3. ZBA 21-09 – Public Hearing – 38 Nash Rd Special Permit

Applicant was not present.

Adam Hoffman made a motion for continuation to 8/3/2021 at 7:15PM. Scott Robb Seconded. Roll Cal Vote- Ken Kozik-Aye, Adam Hoffman-Aye, Scott Robb-Aye.

Town staff will follow up with the Applicant for their agreement on the continuation.

Ken Kozik moved to close the public meeting. Adam Hoffman Motioned to close, Scott Robb seconded. Roll Call Vote: Ken Kozik- Aye, Adam Hoffman, Aye, Scott Robb-Aye
Public Hearing closed at 9:59PM.

Ken Kozik to write decision once a decision is rendered.

Documents used during this meeting

10 - 13 Independence Road Application Materials as follows:

INDEPENDENCE RD 300FT

13 Independence Rd Accountable Mailing

Document-77151/24113-PPP 4-29-30 SIGNED

Document-77152/A1

Document-77153/A2

Document-77154/A3

Document-77155/A4

Document-77156/A5

Document-77157/A6

Application.pdf

Document-77159/EX1

Document-77160/EX2

How To Participate Remotely

Document-77482/20-10 - 13 Independence Road - Planning Department Memo 6-29-21

Document-77448/Sheryl Ball Email

307 Central Street Application Materials as follows:

Document-77441/307 _ 309 CENTRAL ST Certified Abutter_s List

Document-77436/307 Central St Letter From Dillis and Roy 6-23

Document-76568/307 Central Street Special Permit Application

Document-77438/6502-BPP-6502-BPP

Document-77437/6502-EXHIBIT PLAN

Document-77439/6502-SDS-rev052721-no change to sas

Document-77440/6502-ZBA Ltr 052821

Document-76401/ZBA - How To Participate Remotely

Document-77442/BOA AGREEMENT ON TIME EXTENSION - ZBA 21-6 307 Central Street SIGNED

Document-77443/extension

Document-77445/Mullin Rule Certification - ZBA 21-6 - Scott Robb 6-1-2021

Document-77082/Bob Child_s Email

Document-77062/_21-6 307 Central Street Special Permit

Document-77134/Letter from Resident at 309 Central

Document-77061/2021-05-04 DRB Design Memo - 307 Central Street

Document-77064/307 Central St SPA 052121

Document-76523/Engineering Department Comments

Document-76566/Health Division Comments

Document-76933/ZBA - How To Participate Remotely

523 Main St Application Materials as follows:

Document-76861/523 Main St Plot Plan

523 Main Street Locus Plan.pdf

Document-76854/Abutter_s GFA Examples

Document-76855/Abutter_s List

Document-76856/Application

Document-76857/Architectural Drawings

Document-76858/Deed

Document-76859/Floor Plans

Document-76860/Zoning Table

Document-77322/523 Main St Extension Agreement

Document-77323/BOA AGREEMENT ON TIME EXTENSION

Document-77127/21-7- 523 Main Street Planning Dept Memo

Document-77063/AWD Comments

Document-76927/Engineering Comments

Document-76870/Health Comments

Document-77526/Mullin Rule Certification - ZBA - Scott Robb 6-1-2021

Document-76887/ZBA - How To Participate Remotely.pdf

31 Mohegan Road Application Materials as follows:

Document-76957/31 Mohegan - 300FT

Document-76959/31 Mohegan - application

Document-76958/31 Mohegan - drawing A1

Document-76961/31 Mohegan - drawing A2

Document-76962/31 Mohegan - drawing A3

Document-76960/31 Mohegan - drawing A4

Document-76964/31 Mohegan - drawing Existing conditions

Document-76965/31 Mohegan photo 1

Document-76966/31 Mohegan photo 2

Document-76967/31 Mohegan photo 3

Document-76963/Plot Plan

Document-76954/ZBA - How To Participate Remotely

Document-77463/Legal Ad

Document-77464/Legal Notice

Document-77474/21-08 - 31 Mohegan Road - Planning Department Memo

Document-77451/31 Mohegan Road

Document-77457/Fire Dept Comments

Document-77452/Health Dept Comments 5-17-21

Document-77456/RE ZBA Special Permit - 31 Mohegan Road

Document-76933/ZBA - How To Participate Remotely

38 Nash Road Application Materials as follows:

Document-77459/Accountable Mailings

Document-76969/Application

Document-77458/Plot Plan

Document-76937/ZBA - How To Participate Remotely

Document-77466/Legal Notice

Document-77465/Legal Notice

Document-77478/21-09 - 38 Nash Road - Planning Department Memo

Document-77449/38 Nash Road

Document-77450/Sheryl Ball Email 38 Nash Rd

Document-77505/7-06-21- ZBA Agenda

Document-77488/DRAFT 05-04-21 ZBA Minutesv.2

<http://doc.acton-ma.gov/dsweb/Get/Document-77485/Draft-06-01-21 ZBA Minutes>